

Joint Application For
Rural Natural Resources
Impact Area Infrastructure Funding
Program

Community Economic Revitalization Board (CERB)
Public Works Board (Public Works Trust Fund)

October 1996



WASHINGTON STATE COMMUNITY TRADE AND ECONOMIC DEVELOPMENT
Building Foundations for the Future

*Washington State
Community Economic Revitalization Board (CERB)
Public Works Board (PWTF)
Rural Natural Resources Impact Area Infrastructure Funding Program*

Table of Contents

Part I

Combined Application

**Rural Natural Resources Impact Area Infrastructure
Funding Program**

Part II

**Application for CERB Rural Natural Resources Impact
Area Program**

Part III

**Application for PWTF Rural Natural Resources Loan
Program**

Appendix A

Enabling Legislation

Introduction

The Community Economic Revitalization Board and the Public Works Trust Fund Rural Natural Resource Impact Area Infrastructure Funding Programs (RNR) assist regions dependent upon the timber and commercial salmon harvesting industries recover from economic downturns. The RNR program is part of the omnibus timber bills passed during the 1991, 1993 and 1995 Legislative Sessions. In 1995, the Legislature broadened the program to provide assistance to communities impacted by the downturn in the commercial salmon industry, as well as timber impacted communities. Due to continuing demand, state assistance to these areas is extended through June 30, 1997.

Projects funded under CERB's RNR program must demonstrate the potential for long-term economic benefits to the community, be consistent with the community's economic diversification strategy and goals, and demonstrate community support. A local match is required for the program.

Projects funded by the PWTF RNR program must also demonstrate a potential for long-term economic benefits to the community, be consistent with the community's economic diversification strategy and goals, and demonstrate community support. Loan interest rates are from zero to three percent, (0% - 3%). In addition, a local government must have adopted the Real Estate Excise Tax of 1/4 of 1 percent (0.25%), and comply with the Growth Management Act requirements for the jurisdiction.

Projects must be located in a designated RNR impact area (RCW 43.160.020(11), Chapter 226, Laws of 1995, Sec. 6.(2)(b)) to meet application eligibility. (See *Timber and Salmon Dependent Areas* map and accompanying rural and urban zip codes for eligible areas in urban Whatcom, Snohomish, Pierce and Clark counties.)

Application Process Overview

The joint application is comprised of Parts I, II and III. Part I contains information required for both CERB and PWTF programs. Part II contains information required by the CERB program only. Part III comprises materials for the PWTF program only.

If a jurisdiction seeks funding from both sources, Parts I, II, and III must be completed. Funding requests to either the CERB or PWTF program must complete Part I *and* either Part II (for CERB) or Part III (for PWTF), depending on the program from which funding is being requested.

Contact program staff to review threshold requirements to ensure that your jurisdiction and project activities are eligible for the program to which you are applying.

For CERB assistance call:

Kate Engle (360) 586-0657
906 Columbia Street SW
PO Box 48300
Olympia, Washington 98504-8300

For PWTF assistance call:

Terry Dale (360) 664-0407
906 Columbia Street SW
PO Box 48319
Olympia, Washington 98504-8300

Rural Natural Resources Map	
Timber and Salmon Dependent Areas	i
Eligible Rural and Urban ZIP Codes	
for Clark, Pierce, Snohomish, and Whatcom Counties	ii
Clark-Pierce-Snohomish-Whatcom ZIPs Serving Multiple Counties	v
Section I - General Information and Certification	1
Section II - Threshold and Project Feasibility	2
Section III - Identification of a Public Facility Project	7
Section IV - Demonstration of Local Need	8
Section V - Local Diversification Efforts and Community Support	9
Section VI - Local Financial Capacity	10

ZIP Codes for Clark, Pierce, Snohomish and Whatcom Counties

Clark County

98601 Amboy
98607 Camas
98622 Heisson (Post Office Boxes Only)
98629 La Center
98671* Washougal (Clark County part)
98674* Woodland (Clark County part)
98674 Yacolt

Pierce County

98022* Enumclaw (Pierce County portion)
98304 Ashford
98323 Carbonado
98328 Eatonville
98329 Gig Harbor
98330* Elbe (Pierce County portion)
98344 Kapowsin (Post Office Boxes only)
98348 La Grande (Post Office Boxes only)
98349 Lakebay
98351 Lakebay
98385 South Prairie (Post Office Boxes only)
98397 Longmire (Post Office Boxes only)
98398 Paradise (Post Office Boxes only)
98394 Vaughn
98395 Wauna (Post Office Boxes only)
98396 Wilkeson (Post Office Boxes only)
98558 McKenna (Post Office Boxes only)
98580 Roy

Snohomish County

98241* Darrington (Snohomish County portion)
98251 Gold Bar
98252 Granite Falls
98256 Index (Post Office Boxes only)
98272 Monroe
98287 Silvana (Post Office Boxes only)
98292* Stanwood (Snohomish County portion)
98293 Startup (Post Office Boxes only)
98294 Sultan

Whatcom County

98220 Acme
98230 Blaine
98237* Concrete (Whatcom County portion)
98240 Custer
98244 Deming
98247 Everson
98262 Lummi Island
98264 Lynden
98266 Maple Falls (Post Office Boxes only)
98276 Nooksack (Post Office Boxes only)
98281 Point Roberts
98284* Sedro Woolley (Whatcom County portion)
98295 Sumas

*Denotes a ZIP Code that is located in more than one county.
See Part I, Page v for the eligible areas. (Next Page)

Clark-Pierce-Snohomish-Whatcom County ZIPs Serving Multiple Counties

ZIP	Post Office	County	% of Population	
* 98022	Enumclaw	Pierce	1.21%	Qualifies
		King	98.79%	Non-qualifying county
** 98072	Woodinville	Snohomish	31.15%	Non-qualifying ZIP
		King	68.85%	Non-qualifying county
* 98226	Bellingham	Whatcom	99.57%	Non-qualifying ZIP
		Skagit	0.43%	Qualifying county
*** 98237	Concrete	Whatcom	5.10%	Qualifies
		Skagit	94.90%	Qualifying county
*** 98241	Darrington	Snohomish	91.48%	Qualifies
		Skagit	8.52%	Qualifying county
*** 98284	Sedro Woolley	Whatcom	5.10%	Qualifies
		Skagit	94.90%	Qualifying County
*** 98292	Stanwood	Snohomish	62.00%	Qualifies
		Island	38.00%	Qualifying County
*** 98671	Washougal	Clark	82.82%	Qualifies
		Skamania	17.18%	Qualifying County
*** 98674	Woodland	Clark	24.94%	Qualifies
		Cowlitz	75.06%	Qualifying County

* **Important to know for administration of program.**

** **Entire Zip is either in a non-qualifying county or in an urbanized part of a qualifying county.**

*** **Entire Zip is either in a qualifying county or in a non-urbanized portion of a qualifying county.**

PART I**APPLICATION FOR FUNDING****SECTION I - GENERAL INFORMATION AND CERTIFICATION**

Note: Please attach a resolution or ordinance authorizing submittal of this application.

Applying for:

☐ CERB ☐ PWTF

Applicant (Jurisdiction)

Federal Tax ID No.

Street Address/Post Office Box

Telephone Number

City, State, and Zip

Fax Number

Contact Person and Title

Telephone Number

☐ County ☐ City ☐ Special Purpose District
☐ Port District

Project Title: _____

Brief Description: _____

Declaration:

I hereby certify that the information given in this application to the Community Economic Revitalization Board and/or the Public Works Board is true and correct to the best of my knowledge and belief.

Signature of Responsible Official

Date

Print or type name and title

SECTION II - THRESHOLD and PROJECT FEASIBILITY

Projects must be located in a designated Rural Natural Resources Impact area (See Timber and Salmon Dependent Areas Map, Part I, page i.) Urban counties with eligible RNR areas must meet locational eligibility criteria. These areas are designated by eligible rural zip codes of the project location.

If the project is located in **Whatcom, Snohomish, Pierce, or Clark Counties**, please indicate the county in which the project is located:

☐ Whatcom

☐ Snohomish

☐ Pierce

☐ Clark

Please indicate the postal zip code designation of the project location:

Projects located in Whatcom, Snohomish, Pierce or Clark counties must be located within eligible rural areas. Urban locations are not eligible. Eligible rural areas are designated by postal zip codes. They are shown on the "Timber and Salmon Dependent Areas" map on Part I, page i. Pages ii and iii list eligible areas.

*Feasibility studies **are required** for all:*

- PWTF projects;
- CERB projects which **do not** have secured specific private investment commitments.
- If you are a CERB applicant **with** secured specific private investment commitments you may skip this section of the application.

Has a feasibility study been completed?

☐ Yes

☐ No

Study completion date:

Done by (Consultant):

*Please submit a copy of the study with the application. The feasibility study or other documentation must meet the following **minimum requirements**: (As you respond to these questions, please indicate the location in the study where the information can be found.)*

A. A summary of the results of a product market analysis that links the project to economic development.

B. Identification of industries that are targeted for recruitment with this project.

C. A market strategy that contains action elements with appropriate timelines.

SECTION II - THRESHOLD AND PROJECT FEASIBILITY (continued)

- D. Describe the party(ies) responsible for implementing the marketing strategy, and their capacity to complete this responsibility.
- E. Describe the site's appropriateness by addressing (at a minimum): zoning; environmental restrictions; access to infrastructure; water, sewer, road, rail, and electricity; distance to markets; and, the site's ability to support the anticipated development over time.
- F. For industrial projects, provide an analysis of other adequately serviced industrial land in the area and give the primary reasons for the selection of the proposed site over other existing sites.

SECTION II - THRESHOLD AND PROJECT FEASIBILITY (continued)

- G. Describe the total funding for the public facility improvements. Is it secured or not, and will it be available in the time frame established for project completion?
- H. Describe how the project will assist local economic diversification efforts and solve infrastructure problems. Indicate how local economic conditions or issues will be affected, and, if appropriate, what additional infrastructure may be needed.
- I. Describe potential investment losses that have occurred due to inadequate infrastructure. If possible, provide specific detail on the type of company or industries that were lost.

J. Describe job development expectations for the project in terms of the number of jobs created and/or retained, anticipated wages and how wages compare to local prevailing wages, opportunities the project may offer to the local labor force and other related issues.

K. List the economic outcomes that you expect from the proposed project.

L. Describe the specific, quantifiable measures of the outcomes that will demonstrate project success. Describe in measurable terms what you expect to be able to show as progress toward the outcome for each year before the whole outcome has been achieved.

SECTION II - THRESHOLD AND PROJECT FEASIBILITY (continued)

M. Describe the data collection procedure and what data you will collect to determine whether the outcome is being achieved. Include when the data will be collected, from whom, and by whom.

SECTION III - IDENTIFICATION OF A PUBLIC FACILITY PROJECT

1. Describe the entire project.

- a) Describe elements that are not part of the CERB/PWTF portion.
- b) Include a site map and/or aerial photograph of the area (8 1/2 x 11); and identify the location of the project.
- c) Include a brief history of the project, describing the preliminary work involved in its development.

SECTION IV - DEMONSTRATION OF LOCAL NEED

Describe the impact of the changes in the timber and/or salmon economy on the community. What economic factors are affected (i.e., current business activity, family issues, new business development). Describe how the proposed project will benefit these concerns. Some additional factors to consider in this assessment are the local effects of:

- | | | |
|---|----------------------------------|--------------------------------|
| * population changes | * out-of-area employment | * decline in local revenues |
| * job losses
(current/projected) | * timber/salmon business density | * changes in per capita income |
| * wage rates | * unemployment rates | * school enrollments |
| * use of special lunch programs in
schools | * social service impacts | * use of food stamps |
| | * use of food banks | |

In the preparation of this application, use your own local data and observations, and data from state agencies, such as, the Washington State Departments of: Labor and Industries, Employment Security, and Social and Health Services.

SECTION V - LOCAL DIVERSIFICATION EFFORTS AND COMMUNITY SUPPORT

1. Describe the project in relation to the community's planning efforts and local economic diversification strategy. Describe how the project is consistent with the community's economic diversification strategy, including:
 - A community employment profile;
 - How the project will help diversify your local and regional economy;
 - What steps have been taken to assist displaced timber and/or salmon workers. These include special training, retraining, and other job creation activities; and
 - How the proposed project will enhance or encourage other development in the area.

2. The applicant must demonstrate the level of community approval, support, and commitment for the project.

Letters from local organizations demonstrating their support and resource commitment are appropriate. Examples include: governments, economic development councils, chambers of commerce, businesses, and/or community service organizations. Attach, as appropriate, copies of other informational materials that demonstrate general public support, such as newspaper articles, survey results, and summaries of public meetings or hearings.

Note: CERB requires the following minimum local support:

- i. Letter from the local government expressing approval for the project.
- ii. Letter from the Associate Development Organization (ADO) expressing approval for proposed industrial projects.
- iii. Letter from the local government expressing approval for proposed tourism project.

Additional demonstration of community and regional support are encouraged, as noted above.
Please use additional pages if necessary.

SECTION VI - LOCAL FINANCIAL CAPACITY

1. All applicants must provide annual financial reports reviewed by the State Auditor for the most current three years. If preliminary reports are completed, and have not yet been reviewed by the State Auditor, please provide preliminary report(s) along with State Auditor reviewed reports. *Port Districts applying for CERB funding - see Part II.*

2. In general, is the financial information on funds representative of the past five years' experience?

☐

Yes

☐

No

If "no," please explain.

3. Identify funds (general Fund, etc.) that could repay a CERB or PWTF loan. If any of these funds cannot be used for the CERB or PWTF project, please explain. (Explain future capital needs in the context of these funds and describe how future needs are anticipated to affect fund balances.)

SECTION VI - LOCAL FINANCIAL CAPACITY

4. What is the projected annual operating cost of the project? How were project cost estimates derived? How will operating and maintenance costs be covered? Describe how the project will be managed when it is completed.
5. In the context of the local government's overall annual budget, including capital facilities plans, evaluate the need for CERB or PWTF assistance.

Part II

***Community Economic
Revitalization Board (CERB)
Rural Natural Resources
Impact Area Program***

PART II**TABLE OF CONTENTS**

	Page
Application Submittal Instructions	i
Application Threshold Checklist	ii
Infrastructure Construction	1
Section I - Request for funding	1
Section II - Local Match	3
Section III - Alternative Financing Investigation	4
Section IV - Project Planning and Management	5
Sources and Uses of Project Costs	9
Sample Contingency Agreement	10
Section V - Financial Information	11
Section VI - Private Section Commitment	17
 Operating Procedures	
Community Economic Revitalization Board Management Process	24
CERB Meeting Schedule for the 1995-97 Biennium	25
Traditional and Rural Natural Resources Program Board Policies	26
Community Economic Revitalization Board Code of Ethics	32
CERB Program Allocation of Funds Policy	33

PART II

CERB APPLICATION SUBMITTAL INSTRUCTIONS

- Consult with CERB staff to determine if the jurisdiction and project activities are eligible for funding consideration.
- The applications may be submitted on the form provided *or* a copy of the application on disk in *Microsoft Word* may be requested. Please retain the application as to form. If more space is required to respond to a particular question, please use a supplementary page following the question. To enable reviewers to easily find supplementary information, please identify it with the same page and question numbers. (You may further identify the additional page with a letter: i.e, 1-a, 1-b, etc.)
- ***An original and three copies must be submitted.***
- All materials must be submitted on an 8½" by 11" format.
- All materials must be reproducible on black and white copy. Elements noted on site maps, etc., must be reproducible as black and white, over color.
- Applications must be received by the application due date ***or*** post marked by the application due date.
- ***FAXed applications in their entirety are not acceptable.***
- Mail or hand deliver application materials to:

Kate Engle
CERB Program Manger
Community Trade and Economic Development
906 Columbia Street SW
Post Office Box 48300
Olympia, Washington 98504-8300
(360) 586-0657

PART II

CERB APPLICATION THRESHOLD CHECKLIST

The following threshold information is required with Parts I and II of a CERB application and is highlighted for your attention and reference. Each threshold item is referenced with the corresponding location in the application. If you have questions, please contact CERB staff at (360) 586-0657.

APPLICATION LOCATION

THRESHOLD REQUIREMENT

- | | |
|---------------------|---|
| | 1. <u>COMPLETE APPLICATION</u> All questions must be fully answered in order to qualify as a complete application. |
| Part I, Section I | 2. <u>RESOLUTION</u> A resolution or ordinance of the local government jurisdiction authorizing submittal of the CERB application is required. A sample document may be provided upon request. |
| Part II, Section II | 3. <u>LOCAL MATCH</u> A local match of ten percent (10%) of the CERB request is required. Local match may be demonstrated at a minimum by letters from: |
| Part I, Section V | 4. <u>LOCAL SUPPORT</u> The proposed project must be supported by the community. Such support must be demonstrated at a minimum by letters from: <ul style="list-style-type: none">a) The local government, andb) Associate Development Organization (ADO) for any proposed <u>industrial project</u>, orc) Local government approval for any <u>tourism project</u>. |
| | Additional statements of local support are not required; however, they are encouraged. |
| Part I, Section II | 5. <u>ECONOMIC FEASIBILITY STUDY</u> All projects must demonstrate economic benefit with an economic feasibility study or demonstrate economic benefit with an eligible industrial or tourism business justifying the application. |
| | OR |
| Part II, Section VI | 6. <u>CONTINGENCY AGREEMENT</u> A completed Contingency Agreement (form attached) is required for all projects with an eligible private sector participant ("bird-in-hand"). The contingency sets forth the basic intended agreement that exists between the parties (local government, private sector and CERB), the need for CERB assistance and the major responsibilities of the parties to each other. It is an expression of the honest intent of the parties at the time the application is submitted. |

CERB APPLICATION THRESHOLD CHECKLIST (Continued)

- | | |
|---------------------|--|
| Part II, Section IV | 7. <u>SOURCES AND USES OF PROJECT COSTS</u> Asks for sources of project financing and a total project cost breakdown. |
| Part I, Section VI | 8. <u>ANNUAL FINANCIAL REPORTS</u> The past three years of annual financial reports received by the State Auditor are required as part of the Financial Section of the application. If preliminary reports are completed, and have not been reviewed by the State Auditor, please provide preliminary report(s) along with State Auditor reviewed reports. |

INFRASTRUCTURE CONSTRUCTION

The project must be located in a designated Rural Natural Resources Impact area (RCW 43.160.020(11)) to meet program eligibility. Designated areas are identified on the map located in Part I of the application packet..

NOTE: *Part II is the CERB portion of a Rural Natural Resource impact Area Program application for infrastructure construction. Part I is the joint portion for the CERB and Public Works Trust Fund Rural Natural Resource Impact Area Programs. Part I must be completed for both finance programs with Part II and/or Part III completed for CERB and/or PWTF. Please attach Part I and the applicable accompanying Part II and/or Part III together and submit to the appropriate program(s).*

SECTION I: REQUEST FOR CERB FUNDING

In order to improve the economic vitality of the state, CERB has been authorized to make loans and grants to qualified applicants of political subdivisions of Washington State located in designated rural natural resource impact areas.

Loans, or grants in unique circumstances, are available for public infrastructure construction to support eligible industrial and tourism projects that are likely to have a high probability of success and provide long-term economic benefits to the community. Job creation and/or retention are the primary goals of the program. Projects must be supported by the community and be consistent with the community's economic development strategy and goals. Local economic development plans must be consistent with appropriate state planning requirements. All projects must demonstrate economic benefit with a feasibility study or with an eligible industrial or tourism business creating or retaining jobs in the community. Applicants must demonstrate the community's dependence on the timber and/or commercial salmon harvesting industries.

FUNDING CAPACITY. CERB is authorized to finance construction projects not to exceed \$500,000 for industrial projects and \$250,000 for tourism projects.

LOCAL MATCH. A local match of ten percent (10%) of the CERB request is the required minimum. Local match may be demonstrated as in-kind contribution or cash. Eligible in-kind contributions are typically time and materials assigned a market value.

INTEREST RATES. In most cases, CERB will choose to provide funding in the form of a loan rather than a grant. Maximum interest on the loan will not exceed six percent (6%). The compelling need for lower interest rates and grants must be demonstrated by the applicant through the application process.

LOAN REPAYMENTS. As a rule, loan payments are made in equal annual amounts on January 1 or July 1, depending on the date of the first disbursement. If the first disbursement is between January 1 and June 30, repayment begins July 1 following the first anniversary of the disbursement of funds. If the first disbursement is between July 1 and December 31, repayment begins January 1 following the first anniversary of the first disbursement of funds. The loan payment installments are based on an ordinary annuity, compounded annually; the first payment should include all interest from the date of first disbursement.

LOAN TERMS. The maximum period for repayment of a CERB loan is 20 years. Deferral of principal and interest is an option. If an applicant requests a lower interest rate on a loan, a deferral of the first loan payment, or grant, then the applicant must justify the request through the application process

SECTION I: REQUEST FOR CERB FUNDING (Continued)

GENERAL OBLIGATION LOAN. If a CERB loan is given to a jurisdiction, that jurisdiction is obligating its full faith and credit to repay the loan, regardless of the project which prompted the application for CERB funding.

READINESS TO PROCEED. Projects must be ready to proceed to construction within six months of an initial offer of financial aid extended by the Board. The applicant must have all necessary and required actions ready to occur to allow the project to begin within a six-month period from initial approval to an executed contract.

1. Indicate the type of CERB funding requested.

- A **loan** of \$ _____.
- If a deferral is requested, please indicate the number of years _____.
- Describe the loan terms: annual interest rate _____%, date of first payment _____, number of years for repayment: _____.
- Explain justification for a **loan** of less than six percent (6%).

- A **grant** of \$ _____.
- Explain the justification for a **grant**:

2. If CERB awards a loan to the applicant, how will the loan be repaid?

NOTE: *If a CERB loan is executed with a jurisdiction, that jurisdiction is obligating its full faith and credit to repay the loan, regardless of the project which prompted the application for CERB funding.*

3. How was the total estimated cost derived? Submit the "Sources and Uses of Project Costs" form with the application (Part II, Section IV).

TOTAL COST: \$ _____

SECTION II: LOCAL MATCH

1. A minimum of ten percent (10%) of the total CERB request is required as a match. The match may be demonstrated as an in-kind or cash contribution. Please indicate if the match is in-kind or cash on the "Sources and Uses of Project Costs" form.

CERB Request	\$ _____	_____ %
10% Match	\$ _____	_____ %
PROJECT TOTAL	\$ _____	<u>100%</u>

2. List each funding source and amount. Note whether the amount has been provided or is being requested. Provide the date funds were approved or the anticipated approval date of the requested funds.

<u>Source</u>	<u>Amount</u>	<u>Date</u>
CERB Loan Requested	\$ _____	_____
CERB Grant Requested	\$ _____	_____
PWTF Loan Requested	\$ _____	_____
Other (specify)	\$ _____	_____
_____	\$ _____	_____
—	\$ _____	_____
_____	\$ _____	_____
—	\$ _____	_____
_____	\$ _____	_____
—		
PROJECT TOTAL	\$ _____	<u>100%</u>

SECTION III: ALTERNATIVE FINANCING INVESTIGATION

Have all avenues of financing been pursued? A few of the other sources of funding for economic development projects are listed below. Please indicate what other sources have been investigated and whether your district has made application to any of the funding sources for this public facility project and what the outcome was. If a source was investigated, and not found feasible to submit an application, please explain why the source was not feasible to pursue.

	Yes	No	Outcome
FEDERAL:			
Economic Development Administration	_____	_____	_____
	—		
Rural Economic and Community Development	_____	_____	_____
	—		
Other: _____	_____	_____	_____
	—		
STATE:			
Transportation Improvement Board	_____	_____	_____
	—		
Community Development Block Grant	_____	_____	_____
	—		
Development Loan Fund	_____	_____	_____
	—		
HUD 108	_____	_____	_____
	—		
Public Works Trust Fund	_____	_____	_____
	—		
Department of Ecology	_____	_____	_____
	—		
Other: _____	_____	_____	_____
	—		

Explain the outcome of the investigation of other funding sources:

SECTION IV: PROJECT PLANNING AND MANAGEMENT

1. Timeliness: Will all necessary and required actions (e.g., building permits, state and federal environmental compliance and private sector financing secured, if applicable) be completed within six months from CERB approval?

NOTE: ALL REQUIRED PROJECT ELEMENTS (E.G., PERMITS, OTHER FUNDING, ETC.) MUST BE SECURED WITHIN SIX MONTHS OF THE CERB OFFER OF FINANCIAL AID.

2. If CERB assistance is not provided, what impact will this have on the timing of your project and, particularly your ability to utilize alternate funds committed to this project?
3. Each successful applicant will be required to submit annual reports that detail the progress made toward projected benefits. Identify the person responsible for submitting this report to CERB and the process that will be followed for obtaining the information.

SECTION IV: PROJECT PLANNING AND MANAGEMENT (Continued)

4. List one or more economic outcomes that you expect from the proposed CERB project:
5. Describe the specific, quantifiable measures of the outcome(s) that will indicate success. Describe in measurable terms what you expect to be able to show as progress toward the outcome for each year before the whole outcome has been achieved.
6. Describe what data you will collect to demonstrate whether the outcome is being achieved.

SECTION IV: PROJECT PLANNING AND MANAGEMENT (Continued)

7. Describe the data collection procedure including when data will be collected, from whom and by whom.

8. List all permits required for the **public sector project** and give their current status (applied for, application being prepared, permit issued, etc.). Provide a narrative discussion of the status of all environmental permits and all environmental issues.

<u>Permit</u>	<u>Issuer</u>	<u>Status</u>	Anticipated Completion <u>Date</u>

Explain status of environmental permits/issues:

9. If no environmental permits are required for the project (e.g., Shorelines Permit, Environmental Impact Statement, etc.), please explain why.

SECTION IV: PROJECT PLANNING AND MANAGEMENT (Continued)

10. List all other conditions required for project construction, e.g., access of easements, purchase of right-of-way, other financing, legal problems, etc., and their current status.

11. Identify any known factors that could affect your ability to proceed with this project in a timely manner, e.g., wetlands or special habitat issues, difficulty in obtaining easements, timing requirements of other funding sources, etc.

12. Identify any known public concerns or opposition to the project.

13. Estimated schedule for project completion. Indicate the month and year when the activities listed have been, or will be, completed.

**Estimated Completion Date
(month/year)**

Preliminary Engineering Report

All Required Permits Obtained

Design Engineering

Land/Right-of-Way Acquisition

Prepare Bid Documents

Award Construction Contract

Begin Construction

Complete Construction

Construction Project Operational

Other _____

Sources and Uses of Project Costs

Applicant _____

Project Description _____

I. SOURCES: Project Financing

A. CERB Request \$ _____

B. 10% Local Match \$ _____

List Match Sources:

Indicate: _____ cash or _____ in-kind

C. Other (if applicable) \$ _____

TOTAL PROJECT COSTS

\$ _____

II. USES: Total Project Cost Breakdown

A. Preliminary Engineering Report \$ _____

B. Design Engineering \$ _____

C. **Land/Right-of-way Acquisition \$ _____

D. *Other Fees \$ _____

E. Inspection/Construction \$ _____

F. Financing Costs

a.* Grant/Loan Administration \$ _____

b. Interest \$ _____

G. Contingency ()% \$ _____

H. Construction

a. Labor \$ _____

b.* Materials \$ _____

c.* Other \$ _____

I. *Contracts \$ _____

J. *Other \$ _____

* List in detail on separate attachment

**Not applicable for CERB funding, but may be financed by matching funds

TOTAL PROJECT COSTS

\$ _____

SAMPLE CONTINGENCY AGREEMENT

1. PARTIES.

The parties to this Agreement are *THE APPLICANT* and *THE PRIVATE BUSINESS*.

Note: If a developer is involved in the project, the tenant must also be a party to this agreement or there must be an additional agreement between the developer and the tenant.

2. PURPOSE.

The purpose of this Agreement is to clarify the intentions of the parties regarding the completion of *THE PUBLIC FACILITIES PROJECT*. This section should also contain an explanation of the need for the public improvements.

3. BACKGROUND. (optional)

This section can be used to provide a description of the public improvements which can be referenced, thereafter, as "required public improvements."

4. AGREEMENT.

This section must contain the following:

- a) A statement that the applicant agrees to construct the required public improvements providing that CERB financing is approved.
- b) A statement by the business of the projected number of permanent, full-time jobs created or retained as a result of the project.
- c) A statement by the business of the estimated private capital investment.
- d) An agreement by the business to contact the local Private Industry Council and the State Employment Security Department for assistance in filling new positions.
- e) An agreement by the business to provide the applicant with employment and investment data as requested by CERB including, but not limited to presentation to the Legislature during the legislative process.

This section must also contain a list of any public and/or private contributions to the public facilities project such as cash contributions or donated land.

5. CONTINGENCY.

This agreement is contingent upon receipt of CERB funds by the applicant and is intended to meet the first level of convincing evidence of private development as required by CERB. The agreement must be signed by all parties.

SECTION V: FINANCIAL INFORMATION

A. COUNTIES, CITIES, AND TOWNS

(Port Districts should complete Section V.B., "Financial Information on Port Districts.")

This section examines the general financial status of cities, towns, and counties to determine the ability to support project costs. Questions 1-6 examine the current fiscal status of the jurisdiction.

1. Will the local government use general obligation bonds for the construction of this public facility project? ☐ Yes ☐ No

If "No," please explain. (e.g., future capital finance needs, limited debt capacity, issuance costs, etc.)

2. Has the use of revenue bonds been explored for this public facility project? ☐ Yes ☐ No

Explain the outcome and describe why revenue bonds would or would not be applicable for this project.

3. Regular **LOCAL** taxing authority: *(Indicate "N/A" if not applicable.)*

- Has the jurisdiction ever voted to increase the regular property tax rate over the 106% lid? ☐ Yes ☐ No

If yes, when? _____. *(See RCW 84.55 for provisions.)*

- What is the **LOCAL** sales tax rate? _____
- What is the **LOCAL** Real Estate Excise Tax rate? _____
- What is the **LOCAL** Business & Occupation Tax rate? _____
- What is the **LOCAL** Utility Tax rate? _____

4. If unused local taxing authority exists, please explain why maximum taxing authority is not imposed for each tax.

SECTION V: FINANCIAL INFORMATION - Cities, Towns and Counties (Continued)

5. In general, is the prior year's revenue from local tax sources (property, sales, real estate excise, B&O, and utility taxes) representative of the past five year's experience? ☐ Yes ☐ No

If "No," please explain. Also, describe any anticipated future events that would change this pattern.

6. Describe the community's tax burden and the overall ability to repay a CERB loan.

7. Rates and Charges: Show rates and indicate system of charges, e.g., monthly or bimonthly, unit used, etc. (Indicate "N/A" if the jurisdiction does not operate the utility.)

	<u>Rate</u>	<u>Date of Last Increase</u>	<u>From Prior Year</u>	<u>Number of Customers</u>
• Sewer				
Service Charge	_____	_____	_____	_____
Industrial	_____	_____	_____	_____
Commercial	_____	_____	_____	_____
Residential	_____	_____	_____	_____
Connection Fee	_____	_____	_____	_____
• Water:				
Service Charge	_____	_____	_____	_____
Industrial	_____	_____	_____	_____
Commercial	_____	_____	_____	_____
Residential	_____	_____	_____	_____
Connection Fee	_____	_____	_____	_____
• Electricity:				
Service Charge	_____	_____	_____	_____
Industrial	_____	_____	_____	_____
Commercial	_____	_____	_____	_____
Residential	_____	_____	_____	_____
Connection Fee	_____	_____	_____	_____

SECTION V: FINANCIAL INFORMATION - Cities, Towns, and Counties (Continued)

8. Special Assessments:

Has jurisdiction used authority to form ULIDs, LIDs or RIDs to make special assessments for capital projects? ☐ Yes ☐ No

Date of the last ULID, LID, or RID formed: _____
Project cost: _____

Was ULID, LID, or RID considered for this public facility project? ☐ Yes ☐ No

SECTION V: FINANCIAL INFORMATION

B. PORT DISTRICTS

(Jurisdictions other than Port Districts should skip this section.)

This section examines the general financial status of the district to determine its ability to support project costs. Questions 1-6 examine the current fiscal status of the district.

1. Please provide annual financial reports reviewed by the State Auditor for your jurisdiction for the past three years. If preliminary reports are completed, and have not yet been reviewed by the State Auditor, please provide preliminary report(s) along with State Auditor reviewed reports.

Identify funds (General Fund, etc.) that could repay a CERB loan. If any of these funds cannot be used for the CERB project, please explain. (Explain future capital needs in the context of these funds and describe how future needs are anticipated to affect fund balances.

In general, is this information on funds representative of the past five years' experience?

☐ Yes ☐ No

If "No," please explain. Also, describe any anticipated future events that would change this pattern:

2. In the context of the port's overall annual budget, including capital improvements plans, evaluate the need for CERB assistance.

SECTION V: FINANCIAL INFORMATION - Port Districts (Continued)

3. Will the local government use general obligation bonds for the construction of this public facility project? ☐ Yes ☐ No

If "No," please explain (e.g., future capital finance needs, limited debt capacity, issuance costs, etc.)

4. Has the use of revenue bonds been explored for this public facility project? ☐ Yes ☐ No

Explain the outcome and describe why revenue bonds would or would not be applicable for this project.

5. Regular taxing authority.

- What is the district's current property tax rate per \$1,000 in assessed valuation?

- Has the district ever voted to increase its property tax rate over the 106% lid?

☐ Yes ☐ No

(See RCW 84.55 for provisions.)

If yes, when?

SECTION V: FINANCIAL INFORMATION - Port Districts (Continued)

6. Indicate the amount of revenue your jurisdiction received from the following revenue sources for the prior year. Include under property tax, in-lieu-of property tax revenues such as lease hold excise tax.

- Property tax \$ _____
- Property tax designed for G.O. bond debt \$ _____
- Operating revenues: rents and leases \$ _____
- Operating revenues: fees and charges \$ _____

In general, is this prior year's information on revenues representative of the past five years' experience? ☐ Yes ☐ No

If "No," please explain. Also, describe any anticipated future events that would change this pattern.

7. Special Assessments:

[Ports have authority to form Local Improvement Districts (LIDs) under the provisions of RCW 53.08.050 and Industrial Development Districts (IDDs) under the provisions of RCW 53.25.040.]

- Has the district used its authority to form LIDs for IDD to make special assessments for capital projects? ☐ Yes ☐ No
- Date of the last LID or IDD formed: _____
Project Cost: _____
- Was a LID or IDD considered for this public facility project ☐ Yes ☐ No

Please explain.

SECTION VI: PRIVATE SECTOR COMMITMENT

For projects that have been identified specific private investment commitment, response to the following questions will be accepted in lieu of a feasibility study.

1. In order to show that a specific private investment is ready to occur but will do so only if CERB assistance is made available to the applicant, CERB requires a signed Contingency Agreement(s) between the applicant and the private sector representative(s). (See sample Contingency Agreement, Part II - Section IV.) If a developer is involved, there also must be a signed Contingency Agreement between the developer and the proposed tenant.

Attach a Contingency Agreement to this form for each private sector entity.

2. Describe the proposed private development or expansion project:
3. Identify name(s) of private sector firm and contact person directly involved in the development or expansion that would be supported by the public facility project:

(firm) _____
(contact/title) _____
(telephone) _____

or

(contact/title) _____
(telephone) _____

(If more than one firm is involved, complete Questions 1-20 for each firm.)

SECTION VI: PRIVATE SECTOR COMMITMENT (Continued)

Firm: _____

4. How long has the firm been in business? _____.
Describe the nature of the work done.

5. Where is the firm currently located?

6. List the number of **current** employees by type of job:

<u>Job Description</u>	<u>Current Number (in FTEs)</u>	<u>Average Annual Salary</u>
• Management/Administration	_____	_____
• Technical/Professional	_____	_____
• Office/Clerical	_____	_____
• Sales Work	_____	_____
• Skilled crafts work	_____	_____
• Others	_____	_____

- How many of these positions are for seasonal work? _____ in FTEs.

7. Describe the relationship between the private sector project and the retention or creation of employment opportunities by the firm:

SECTION VI: PRIVATE SECTOR COMMITMENT (Continued)

8. How many and what types of jobs will be retained or created by the firm as a result of the private sector project? When will newly created jobs be added to the payroll? Wage data should exclude fringe benefits (38%).

Note: For the purpose of definition, retained jobs are jobs that would otherwise be lost to the state.

<u>Job Description</u>	<u>Number Jobs Retained** (in FTEs)</u>	<u>Number Jobs Created Year 1 (in FTEs)</u>	<u>Number Jobs Created Year 3 (in FTEs)</u>	<u>Hourly Wages</u>	<u>Local Prevailing Hourly Wages</u>
Mgmt.*/Admin.	_____	_____	_____	\$ _____	\$ _____
Technical/Prof.	_____	_____	_____	\$ _____	\$ _____
Office/Clerical	_____	_____	_____	\$ _____	\$ _____
Sales	_____	_____	_____	\$ _____	\$ _____
Skilled Crafts	_____	_____	_____	\$ _____	\$ _____
Others	_____	_____	_____	\$ _____	\$ _____

* Management positions should be indicated as an annual salary

** Retained jobs are defined as jobs that would otherwise be lost to the state.

Projected annual gross payroll for all job classifications \$_____.

How many of these positions are for seasonal work? _____ in FTEs.

9. On what are these job projections based? Attach supporting information such as a business plan or year-end financial statements (financial statements may be unaudited). **Explain why the projections are realistic.**

The entire CERB application is considered public information. Financial and commercial information provided by the private business in the application will be treated as confidential by the Department of Community, Trade and Economic Development to the extent permitted by 42.17 RCW.

SECTION VI: PRIVATE SECTOR COMMITMENT (Continued)

10. How do the wage levels of this company compare with the area's prevailing wage rates? Explain the differences if applicable. Identify the source for local prevailing wage data.

11. Describe opportunities that exist within the company for advancement.

12. Will the private sector project offer expanded employment opportunities for community workers who have not been able to find permanent jobs? ☐ Yes ☐
No

What groups might it help and how?

13. Indicate the construction schedule for the proposed private sector project:

SECTION VI: PRIVATE SECTOR COMMITMENT (Continued)

14. List all permits required for the private sector project and give their current status (applied for, application being prepared, permit issued, etc.). Provide a narrative discussion of the status of all environmental permits and all environmental issues.

<u>Permit</u>	<u>Issuer</u>	<u>Status</u>	<u>Anticipated Completion Date</u>

Explain status of environmental permits/issues.

15. What private decisions or authorizations still must be made before the private sector begins work on the proposed project?
16. Has the private sector secured investment and loan commitments for the capital investment project? For what percentage of the total project? If all funding has not been secured, what is the estimated schedule for securing commitments for the total private sector project?

SECTION VI: PRIVATE SECTOR COMMITMENT (Continued)

17. During the first year that the private sector participant is operating, how much revenue will the company or companies generate for the local government jurisdiction?

(Local tax rate means that rate which is imposed by the jurisdiction and generates revenue to it. If you do not have authority to impose the tax, enter "not applicable" in the blank for local tax rate. For sales tax revenue, provide an estimate even if the private sector participant qualifies for a sales tax deferral.)

ESTIMATED LOCAL REVENUE FROM PRIVATE SECTOR

\$ _____ annual taxable sales and services	x	_____ LOCAL sales tax rate	=	\$ _____ sales tax revenue
\$ _____ increase in assessed valuation	x	_____ LOCAL prop. tax rate	=	\$ _____ prop. tax revenue
\$ _____ annual gross income	x	_____ LOCAL B&O tax rate	=	\$ _____ B&O tax revenue
\$ _____ water consumption	x	_____ water rate	=	\$ _____ water rate revenue
\$ _____ sewer consumption	x	_____ sewer rate	=	\$ _____ sewer rate revenue
\$ _____ electric consumption	x	_____ electric rate	=	\$ _____ electricity rate revenue
\$ _____ total utility revenue	x	_____ utility tax rate	=	\$ _____ utility tax revenue
Other revenues from rents, leases, fees, etc.			=	\$ _____ misc. revenue
Total annual LOCAL revenue from private sector			=	\$ _____

ESTIMATED STATE REVENUE FROM PRIVATE SECTOR:

Project annual state revenue from the private sector for the first year of business for retail sales tax, property tax and business and occupation tax.

\$ _____ annual taxable sales and services	x	_____ STATE sales & use tax rate	=	\$ _____ sales & use tax revenue
\$ _____ assessed valuation	x	_____ STATE property tax	=	\$ _____ prop. tax revenue
\$ _____ gross receipts	x	_____ B&O tax rate	=	\$ _____ B&O tax revenue
Total annual STATE revenue from private sector				\$ _____
Total LOCAL and STATE revenues from private sector				\$ _____

SECTION VI: PRIVATE SECTOR COMMITMENT (Continued)

18. At what date will the private sector participant's first year of operation begin?

Will it be functioning at full capacity at that date?

☐ Yes ☐

No

If not, at what percent of capacity will it be operating and when will it be operating at full capacity?
_____ (date) _____ (percent)

19. Does the private sector participant plan to apply for a sales tax deferral? ☐ Yes ☐ No

If yes, when do they expect the deferral to **begin** and **end**?

(See RCW 82.60 and RCW 82.61 for provisions.)

Begin: _____ End: _____

20. Are there any other circumstances that should be noted concerning the use of project-generated revenues to support project costs, i.e., how will a CERB loan be repaid? Please explain.

PART III**PWTF RURAL NATURAL RESOURCES APPLICATION**

The Public Works Trust Fund Rural Natural Resources Loan Program provides financial assistance for the construction of new or expanded infrastructure facilities (road, bridge, domestic water, sanitary sewer, and storm sewer) to stimulate economic diversification in designated Rural Natural Resource impact areas.

SECTION I - THRESHOLD REQUIREMENTS**COUNTIES AND CITIES ONLY** *(not applicable to Special Purpose Districts)*

1. Have you adopted a local one-quarter-of-one-percent (.25%) excise tax on the sale of real property as permitted by RCW 82.46.030? ☐ Yes ☐ No

Date of Adoption _____

2. Are you located in a county that is required to plan under the Growth Management Act? ☐ Yes ☐ No

If "Yes," have you met the requirements?

If you have not fulfilled these requirements, you are not eligible for a PWTF Rural Natural Resources loan. If you will meet the requirements by the date of the Public Works Board meeting at which your application will be considered, you are eligible to apply.

If you are not required to meet GMA requirements, you can apply.

ALL APPLICANTS

1. Please use the following chart to identify the public works system(s) owned and operated by your jurisdiction and the status of the Capital Facilities Plan. (Storm sewer, bridges, and ferries may be public works systems contained within the six-year road plan. (Minimum CFP requirements are presented in Part III, page iii - *Public Works Trust Fund Capital Facilities Plan Requirements.*)

Public Works System	Own or Operate	Capital Facilities Plan? Y/N	Date Adopted	Adopted by Ordinance (O) or Resolution (R)
Bridge				
Road				
Domestic Water				
Sanitary Sewer				
Storm Sewer				

Applicants who do not have a CFP that meets Trust Fund requirements on file should submit their CFP with their application. If you need assistance, please call Terry Dale at (360) 664-0407.

SECTION I - THRESHOLD REQUIREMENTS

2. List the local/regional plan(s) in which your project is identified: (i.e. Regional diversification Strategies or Overall Economic Development Plan [OEDP]). Include who adopted the plan, and where the project is referred in the plan identified below.

<i>Name of Plan</i>	<i>Adopted By/Date</i>	<i>Project on Page No(s) In Plan</i>

3. If your project is not identified in a plan, please explain the situation/process by which you are demonstrating local commitment to, and regional benefit of the project?

Title of Document (Attach copy with Application)

(Date Adopted)

Explanation: _____

SECTION II - PROJECT DESCRIPTION

- A. Write a **Scope of Work** for the project you propose to fund with this loan source. Describe the work to be accomplished in *quantified* terms. How much and what system elements are you proposing to install or expand? (See Part III: PWTF Application, page 11 - *Guidelines for Preparing the Scope of Work.*)

For example: "Install 1,300 lineal feet of 16-inch ductile iron pipe for water transmission to industrial property, expand four-lane roadway to five lanes for 500 lineal feet and replace traffic signal.)

Be specific in your response.

SECTION III - PROJECT COSTS AND FINANCING

1. Estimated Project Costs

Total

Preliminary Engineering Report	\$ _____
Design Engineering	\$ _____
Land/R-O-W Acquisition	\$ _____
Sales and Use Taxes	\$ _____
Other Fees	\$ _____
Inspection	\$ _____
Start-up Costs	\$ _____
Financing Costs	\$ _____
Construction	\$ _____
Contingency (_____%)	\$ _____
Other (List)	\$ _____
	\$ _____
TOTAL ESTIMATED COSTS	\$ _____

2. How and when were project cost estimates made? (For example: 1992 Engineering Study done by city Public Works staff, estimates completed June 1993 by Consulting Engineer.) If applicable, identify the public works standards (i.e. TIB, APWA, AWWA, AASHTO) used to arrive at project scope and cost.

SECTION III: - PROJECT COSTS AND FINANCING

List each project funding source, amount, and date available to the project. Show whether the funds are applied for, pending or approved, and the date of approval or expected approval.

Funding Source	(\$) Amount	Date	AP=Applied For P=Pending A=Approved	Miscellaneous Comments
A. GRANTS:				
1. Federal				
2. State				
CERB				
B. LOANS:				
(List all)				
1. State				
a. CERB				
b. PWTF				
2. Federal				
3. Other				
4. <i>Total Loans</i> (Sum of B. 1 - 3)				
C. LOCALLY GENERATED REVENUE:				
1. General Funds				
2. Capital Reserves				
3. Rates				
4. Assessments				
5. Special Levies				
6. Other Funds				
7. <i>Total Local Revenue</i> (Sum C. 1-6)				

SECTION III - PROJECT COSTS AND FINANCING (Continued)

4. Interest Rates

Interest rates for loans are zero percent (0%) to three percent (3%). The interest rate determination is made during the staff review of the project and is based on the rate requested by the applicant and on the following factors:

- Severity of timber/salmon impact on local economy;
- Rate of unemployment;
- Impact of interest costs on the project and the applicant;
- Ability of the applicant to repay a loan;
- Ability of project to attract economic activity;
- Project revenues;
- Time frame in which revenues are to be generated; and,
- Other factors that may be unique to a project.

Although local financial participation is strongly encouraged, it is not required.

Deferral of Loan Repayment

Applicants can request that loan repayments be deferred for up to five years if necessary. This option is provided for projects that may need the additional time to generate revenue. With a payment deferral, the annual loan payment will be higher because the repayment period is reduced to 15 years, instead of 19. Interest expenses begin to accrue when funds are drawn from PWTF.

5. Describe any known constraints on the above financing sources. Examples might include voter approval, timing issues, or limitations on local contributions.
6. How do you intend to repay this loan? What is the projected payback schedule? If applicable, identify revenue sources or accounts.
7. Do you have existing dedicated funds or reserves to cover emergency capital needs for the public works systems for which you are applying? ☐ Yes ☐ No

If "No," please explain how you plan to finance any unexpected capital expenditures.

SECTION III - PROJECT COSTS AND FINANCING (Continued)

8. Will you be forming any kind of district to help finance this project? (Examples: Utility Local Improvement District [ULID], Local Improvement District [LID], Road Improvement District [RID], Transportation Benefit District [TBD], Business Improvement Area [BIA].

☐ Yes ☐ No

If "Yes," describe the status of your formation process.

(Has the protest period for LID and ULID formation passed? How will you finance the project if you are unsuccessful in passing the local improvement district?

Note: Applicants in the process of establishing an LID or ULID to help pay for projects, should make application for an RNR Loan after the protest period is passed. If the protest period has not passed, you must be able to show your ability to finance the project in the event that the LID or ULID fails. Applicants who have not passed the protest period at time of application, and who have not shown the capacity to repay the project without LID or ULID involvement *will be considered a high risk and may not be awarded a loan.*

9. Describe any other efforts you have made to finance this project, including local, state, federal, and private funds. Please verify the status of your project with other funding sources in writing whenever possible.

10. A period of twenty (20) years is the maximum loan term. The useful life of these improvements is _____ years.

SECTION IV - PROJECT SCHEDULE

1. Indicate the month and year the activities listed were or will be completed:

	<u>Month</u>	<u>Year</u>
Sign Loan Agreement	_____	_____
Obtain Preliminary Engineering Report	_____	_____
Complete Design Engineering	_____	_____
Acquire Land Right-of-Way	_____	_____
Prepare Bid Documents	_____	_____
Award Construction Contract	_____	_____
Begin Construction	_____	_____
Complete Construction	_____	_____
Close-out Report Completed	_____	_____

2. List all permits required for the public sector project and give their current status (i.e. applied 12/91, application being prepared, permit issued, etc.) List anticipated dates for permit issuance.

<i>Permit/Review</i>	<i>Issuer</i>	<i>Status</i>	<i>Anticipated Date</i>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

3. Describe the project's level of readiness to proceed, including but not limited to: site control, engineering, design, etc.

4. Identify any other known factors which could affect your ability to proceed within a timely manner (i.e., wetlands or special habitat, difficulty in obtaining easements, right-of-way acquisition, bond issuance, etc.) Explain the status of environmental permits and/or issues, as appropriate.

SECTION IV - WETLANDS DISCLOSURE FORM (GOVERNOR'S EXECUTIVE ORDER 90-04)

Is there a wetland, as defined by either U.S. Fish and Wildlife or the Clean Water Act, on the site or within the immediate vicinity? ☐ Yes ☐ No

U.S. Fish and Wildlife Definition

For purposes of this classification, wetlands must have one or more of the following three attributes: (1) At least periodically, the land supports predominantly hydrophytes; (2) The substrate is predominantly undrained hydric soil; and, (3) The substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of each year.

Clean Water Act Definition

Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

If "Yes," mark all Washington State Four-Tier Wetlands Rating Categories that apply:

Categories:

☐ I, ☐ II, ☐ III, ☐ IV

Are any wetland mitigation measures proposed to avoid impacts from this project?

☐ Yes ☐ No

If "Yes," please describe.

Will these mitigation measures result in no net loss of wetlands?

☐ Yes ☐ No

Information on this disclosure form was provided by:

Name

Title

Date

Phone

APPLICANT CERTIFICATION

WHEREAS, _____ is applying to the Washington State Public Works Trust Fund Program for a low-interest loan for an eligible project; and

WHEREAS, RCW 43.155.070 requires that applicants planning under RCW 36.70A must have adopted comprehensive plans in conformance with the requirements of Chapter 36.70A RCW, and must have adopted development regulations in conformance with the requirements of Chapter 36.70A RCW; and

WHEREAS, the local governing body has approved submission of this application for a Public Works Trust Fund Rural Natural Resources loan; and

WHEREAS, it is recognized and acknowledged that the entire application packet consists of Section III, all of which contains policy and procedural information applicable to the program. Only Part III, Sections I through V *and any supplemental materials* need be returned for review by the Public Works Board; and

WHEREAS, the applicant recognizes and acknowledges that the information in Part III, Sections I through V, *and any supplementary materials* are the only information which will be considered in the evaluation and rating process. Incomplete responses will result in a reduced chance of funding. In order to ensure fairness for all, the Public Works Board does not accept any additional written materials or permit applicants to make presentations before the Board; and

WHEREAS, the information provided in this application is true and correct to the best of the government's belief and knowledge; and

WHEREAS, the information provided on the Wetlands Disclosure form (Section VI) is accurate to the best of the local government's knowledge and ability; and

WHEREAS, it is necessary that certain conditions be met as part of the application process; and

WHEREAS, RCW 43.155.070 requires that county and city applicants must have adopted the local optional one-quarter of one percent Real Estate Excise Tax, as described in Chapter 82.46 RCW; and

WHEREAS, RCW 43.155.070 requires that applicants must have adopted a long-term financing plan for public works; and

WHEREAS, RCW 43.155.060 requires that the project will be advertised for competitive bids and administered according to standards local procedures; and

WHEREAS, any loan arising from this application constitutes a debt to be repaid, and (person/title) _____ has reviewed and concluded it has the necessary capacity to repay such a loan;

NOW THEREFORE, (name of local government) _____ certifies that it meets these requirements, and further, that it intends to enter into a loan agreement with the Department of Community, Trade and Economic Development, provided that the terms and conditions for a Public Works Trust Fund loan are satisfactory to both parties.

Signed _____

Title _____

Name _____

Date _____

ATTEST _____

**CERTIFICATION BY PREPARER OF APPLICATION
(Staff Member of Consultant)**

WHEREAS, _____ has prepared this application for a Washington State Public Works Trust Fund loan, and

WHEREAS, the preparer recognizes and acknowledges that the entire application packet consists of Part III, which contains policy and procedural information applicable to the program, and that only Part III, Sections I through V, *and supplementary materials* need be returned for review by the Public Works Board; and

WHEREAS, the preparer recognizes and acknowledges that the information in Part III is the only information which will be considered in the evaluation and rating process. Incomplete responses will result in a reduced chance of funding, and that in order to ensure fairness for all, the Public Works Board does not accept any additional written materials or permit applicants to make presentations before the Board; and

WHEREAS, the information provided in this application is true and correct to the best of the preparer's belief and knowledge; and

WHEREAS, the information provided on the Wetlands Disclosure Form (Section VII) is accurate to the best of the preparer's knowledge and ability; and

NOW THEREFORE, _____ recognizes and acknowledges the above declarations and certifies that this application meets the above requirements.

Signed _____

Name _____

Title _____

Date _____

ATTEST _____

PART III - PWTF RURAL NATURAL RESOURCES APPLICATION

Scope of Work and Loan Agreement Information

LOAN AND FINANCING GUARANTEE CONTRACTS:

- (1) Loan funds will be disbursed to the applicant local government pursuant to a contract therefore, which will be offered to the local government with such reasonable terms and conditions as the board may determine: PROVIDED, That the interest rate for loans shall not exceed three percent per annum; PROVIDED FURTHER, That loans may be provided at rates of lower than three percent at the discretion of the Board; PROVIDED FURTHER, That loans shall not exceed twenty years in duration, or the useful life of the improvements, whichever is shorter.
- (2) Public Works project loan and/or financing guarantee agreements offered to local governments shall be formally executed by the local government and the Department of Community, Trade and Economic Development prior to the disbursement of any funds thereunder.
- (3) Public works project loan and/or financing guarantee scope of work forms shall be completed and returned to the Department of Community, Trade and Economic Development by the local government within 90 days of the date a scope of work form request is initiated.
- (4) Work on public works projects financed through loans or financing guarantees offered to local governments must commence within 180 days of contract execution.
- (5) Work on public works projects financed through loans or financing guarantees offered to local governments must be completed within thirty-six months of the date of contract execution (unless a written request for extension is approved by the Board).
- (6) Funds expended by local governments on projects financed through loans or financing guarantees by the Public Works Assistance Account before an agreement has been formally executed by the local government and the department of community, trade and economic development may not be reimbursed with funds from the public works assistance account.
- (7) Public works project loan funds may not be used as a mechanism for refinancing debt.

PART III PWTF RURAL NATURAL RESOURCES APPLICATION

Guidelines for Preparing the Scope of Work

The Scope of Work provides a brief description of your project. When completed and signed, it becomes part of the formal loan agreement. The following are some guidelines to help you in preparing the Scope of Work.

GENERAL GUIDELINES

1. **Base the Scope of Work on the original scope described in your loan application (Part II Section II).** Does the loan application Scope of Work already satisfy the guidelines suggested here? If so, you need not make any changes.
2. **Do not make *significant changes* to the loan application Scope of Work.** major changes (such as adding a new reservoir to a water project or adding a new section of roadway to a road project) will not be allowed.
3. **Provide a concise, quantified description of the project, including length, width, capacities, and quantities.** For example: "Install approximately 5,000 lineal feet of 12" PVC watermain."
4. **Avoid making the Scope too detailed or precise.** Remember the Scope of Work is part of your loan agreement and you may be required to complete all the work elements as described. Too much detail can unnecessarily limit your flexibility.

Instead of: "The project consists of installing 36,959 feet of 16" concrete pipe."

Say: "The project consists of installing approximately 37,000 lineal feet of 16" concrete pipe."

Instead of: "We plan to install a 40 ML protective liner to cover the floor and sidewalls of the reservoir."

Say: "We plan to install the most appropriate protective liner to cover the floor and sidewalls of the reservoir."

5. **Try to make the Scope as inclusive as possible.** You may be able to avoid a future Scope of Work change by anticipating ahead of time the worst-case and/or best-case scenario (e.g., low bids). See *Making the Scope More Inclusive* at right.

MAKING THE SCOPE MORE INCLUSIVE

If your project consists of utility work that requires trench patching and an overlay from roadway edge to roadway edge, include a statement to this effect in your Scope.

You may choose to write a "basic" Scope of Work with additional work elements added should low bids be received. This example below shows how this may be done.

Example: Water Line Installation

Basic Scope of Work: Install approximately 8,000 lineal feet of 8" water line, and approximately 1,200 lineal feet of 6" water line.

Phase II: If sufficient funds are available, an additional 1,200 lineal feet of 6" line will be added.

Caution: Keep in mind while preparing your Scope that you will be expected to complete all the elements identified in your basic Scope, even if engineering review indicates additional work elements may be required or bids come in higher than anticipated.

PUBLIC WORKS TRUST FUND
SAMPLE REPAYMENT SCHEDULE

LOAN AMOUNT: 1,500,000
TERM: 20

		PRINCIPLE PAYMENT	INTEREST PAYMENT AT 3%	INTEREST PAYMENT AT 2%	INTEREST PAYMENT AT 1%
PAYMENT IN YEAR	1	0.00	34,031.25	22,687.50	11,343.75
PAYMENT IN YEAR	2	78,947.37	45,000.00	30,000.00	15,000.00
PAYMENT IN YEAR	3	78,947.37	42,631.58	38,521.05	14,210.53
PAYMENT IN YEAR	4	78,947.37	40,263.16	26,842.11	13,421.05
PAYMENT IN YEAR	5	78,947.37	37,894.74	25,263.16	12,631.58
PAYMENT IN YEAR	6	78,947.37	35,526.32	23,684.21	11,842.11
PAYMENT IN YEAR	7	78,947.37	33,157.89	22,105.26	11,052.63
PAYMENT IN YEAR	8	78,947.37	30,789.47	20,526.32	10,263.16
PAYMENT IN YEAR	9	78,947.37	28,421.05	18,947.37	9,473.68
PAYMENT IN YEAR	10	78,947.37	26,052.63	17,368.42	8,684.21
PAYMENT IN YEAR	11	78,947.37	23,684.21	15,789.47	7,894.74
PAYMENT IN YEAR	12	78,947.37	21,315.79	14,210.53	7,105.26
PAYMENT IN YEAR	13	78,947.37	18,947.37	12,631.58	6,315.79
PAYMENT IN YEAR	14	78,947.37	16,578.95	11,052.63	5,526.32
PAYMENT IN YEAR	15	78,947.37	14,210.53	9,473.68	4,736.84
PAYMENT IN YEAR	16	78,947.37	11,842.11	7,894.74	3,947.37
PAYMENT IN YEAR	17	78,947.37	8,473.68	6,315.79	3,157.89
PAYMENT IN YEAR	18	78,947.37	7,105.26	4,736.84	2,368.42
PAYMENT IN YEAR	19	78,947.37	4,736.84	3,157.89	1,578.95
PAYMENT IN YEAR	20	78,947.37	2,368.42	1,578.95	789.47
TOTAL PAYMENT		1,500,000.00	484,031.25	322,687.50	161,343.75
Assumptions:		First draw:	225,000.00	Date taken:	01-Apr-96
		Second draw:	1,125,000.00		01-Oct-96
		Third draw:	150,000.00		01-Jun-97
		Total drawn:	1,500,000.00		

Note: Numbers may not add-up due to computer rounding.

PUBLIC WORKS TRUST FUND
SAMPLE ESTIMATED REPAYMENT SCHEDULE**

LOAN AMOUNT: \$1,500,000.00
TERM: 20

		PRINCIPAL PAYMENT	INTEREST PAYMENT AT 3%	INTEREST PAYMENT AT 2%	INTEREST PAYMENT AT 1%
DEFER PAYMENT	1997		34,031.25	22,687.50	11,343.75
DEFER PAYMENT	1998		45,000.00	30,000.00	15,000.00
DEFER PAYMENT	1999		45,000.00	30,000.00	15,000.00
DEFER PAYMENT	2000		45,000.00	30,000.00	15,000.00
DEFER PAYMENT	2001		45,000.00	30,000.00	15,000.00
PAYMENT IN YEAR	2002		259,031.25	172,687.50	*86,343.75
PAYMENT IN YEAR	2003	107,142.86	45,000.00	30,000.00	15,000.00
PAYMENT IN YEAR	2004	107,142.86	41,785.71	27,857.14	13,928.57
PAYMENT IN YEAR	2005	107,142.86	38,571.43	25,714.29	12,857.14
PAYMENT IN YEAR	2006	107,142.86	35,357.14	23,571.43	11,785.71
PAYMENT IN YEAR	2007	107,142.86	32,142.86	21,428.57	10,714.29
PAYMENT IN YEAR	2008	107,142.86	28,928.57	19,285.71	9,642.86
PAYMENT IN YEAR	2009	107,142.86	25,714.29	17,142.86	8,571.43
PAYMENT IN YEAR	2010	107,142.86	22,500.00	15,000.00	7,500.00
PAYMENT IN YEAR	2011	107,142.86	19,285.71	12,857.14	6,428.57
PAYMENT IN YEAR	2012	107,142.86	16,071.43	10,714.29	5,357.14
PAYMENT IN YEAR	2013	107,142.86	12,857.14	8,571.43	4,285.71
PAYMENT IN YEAR	2014	107,142.86	9,642.86	6,428.57	3,214.29
PAYMENT IN YEAR	2015	107,142.86	6,428.57	4,285.71	2,142.86
PAYMENT IN YEAR	2016	107,142.86	3,214.29	2,142.86	1,071.43
TOTAL PAYMENT		1,500,000.00	596,531.25	397,687.50	198,843.75
First draw:		225,000	01-Apr-96		
Second draw:		1,125,000	01-Oct-96		
Third draw:		150,000	01-Jun-97		

Note: Numbers may not add up due to computer round-off.

** First payment interest only.

**** This Estimated Repayment Schedule is for a loan granted with a five-year deferral**

**PUBLIC WORKS TRUST FUND
SUMMARY OF ELIGIBLE PROJECT COSTS**
(as excerpted from WAC 399-30-030)

(3) Direct costs eligible for public works loans are those costs which are directly attributable to a specific project and shall include:

(a) Direct labor (engineering and/or construction) including related employee benefits:

(I) Salaries and wages (at actual or average rates) covering productive labor hours of the local government employees

(excluding the administrative organization of the operating unit involved) for periods of time, actively or incidentally engaged in:

- (A) engineering,
- (B) acquisition of rights of way, and
- (C) construction related review/inspections and testing.

The costs of services rendered by employees generally classified as administrative are considered a direct cost only when such employees are assigned for short periods of time to perform on a full-time basis the types of services described above.

(ii) Employee benefits relating to direct labor are considered a direct cost of construction projects. the following items may be included as employee benefits:

- (A) (Social Security) - employer's share
- (B) Retirement benefits
- (C) Hospital, health, dental, and other welfare insurance
- (D) Life insurance
- (E) Industrial and medical insurance
- (F) Vacation
- (G) Holiday
- (H) Sick leave
- (I) Military leave and jury duty

Employee benefits shall be calculated as a percentage of direct labor dollars. The computation of predetermined percentage rated to be applied to current labor costs shall be based upon the average of total employee benefits and total labor costs for the prior fiscal year and adjusted by known current year variations.

(a) Contract engineering or planning services.

(b) Right of way acquisition costs including:

- (i) Purchase of land and easements acquired for and devoted to the project;
- (ii) Purchase of improvements;
- (iii) Adjustments or reestablishment of improvements;
- (iv) Salaries, expenses or fees or appraisers, negotiators or attorneys;
- (v) Removal or demolition of improvement; and
- (vi) Other direct costs in connection with the acquisition.

Amounts received from the sale of excess real property or improvements and from any rentals shall be a reduction of the direct cost.

(d) Contract construction work.

(e) Direct vehicle and equipment charges at the actual rental cost paid for the equipment, or in the case of city- or county-owned equipment, at the rental rates established by the local government's "equipment rental and revolving fund" following the methods prescribed by the division of municipal corporations: Provided, that such costs shall be charge don a uniform basis to equipment used for all projects regardless of the source of funding. Cities with the population of 8,000 or less, which may not use this type of fund, shall be allowed the same rates as used by the Department of Transportation.

(f) Direct materials and supplies. The cost of materials used in projects shall be based upon methods prescribed for the "equipment rental and revolving fund" by the division of municipal corporations.

- (i) Telephone charges
- (ii) Reproduction and photogrammetry costs;
- (iii) Computer usage; and
- (iv) Printing and advertising.

PERMIT REVIEW CHECKLIST

This checklist is intended to provide applicants with additional assistance in scheduling for the acquisition of necessary permits and approvals related to their proposed project. **This checklist is for applicant's use only. Do not return with the application.**

- | | |
|---|--|
| <input type="checkbox"/> Building Permit | <input type="checkbox"/> Shoreline Management Act Compliance (RCW 90.58) |
| <input type="checkbox"/> Grading Permit | <input type="checkbox"/> Exempt |
| <input type="checkbox"/> SEPA Compliance (WAC 197-11) | <input type="checkbox"/> Shoreline Permit |
| <input type="checkbox"/> Categorically exempt | <input type="checkbox"/> Conditional Use |
| <input type="checkbox"/> Determination of non-significance Or mitigation (dns) | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Determination of significance (ds) (Environmental Impact Statement required) | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Other _____ | <input type="checkbox"/> Other _____ |

STATE PERMITS AND REVIEWS

- | | |
|---|---|
| <input type="checkbox"/> Hydraulic Code Compliance (RCW 75.20 DOF or WDW) | <input type="checkbox"/> Wetlands Disclosure (Governor's Executive Order 90-04) |
| <input type="checkbox"/> Floodplain Disclosure (RCW 86.16) | <input type="checkbox"/> Critical Area Disclosure (RCW 36.70A) |
| <input type="checkbox"/> Puget Sound Basin Disclosure (RCW 90.70) | |
| <input type="checkbox"/> Puget Sound Basic Disclosure (RCW 90.70) | |
| <input type="checkbox"/> Other _____ | |
| <input type="checkbox"/> Other _____ | |

FEDERAL PERMITS AND REVIEWS

- | | |
|--|---|
| <input type="checkbox"/> NEPA (NEPA PL 91-190, as amended) | <input type="checkbox"/> U.S. Army Corps of Engineers |
| <input type="checkbox"/> Other | <input type="checkbox"/> Section 10 |
| <input type="checkbox"/> Other | <input type="checkbox"/> Section 404 |

A copy of the publication *Commonly Required Environmental Permits for Washington State No. 90-29* may be obtained without charge by writing:

**Department of Ecology, Publications
Post Office Box 47600
Olympia, Washington 98504-7600**

Or call (360) 407-7472

Operating Procedures

Community Economic Revitalization Board (CERB)
Rural Natural Resources Impact Area Program

COMMUNITY ECONOMIC REVITALIZATION BOARD

Management Process

1. All applications presented to CERB, without exception, will include a staff recommendation. The recommendation may be in the form of a motion or motions. Applicants and CERB members will be notified that the staff recommendation will be considered as the initial motion on the floor for discussion and/or modifications.
2. CERB staff will visit each site prior to making recommendations on prospective projects. Staff will also make periodic site visits during construction.
3. CERB meetings generally will be held at SeaTac International Airport or vicinity. Regular meetings, including those scheduled while the legislature is in session, will be held on the third Thursday of the month in which a regular meeting is scheduled.
4. Generally, CERB funding will only be available to those public entities that demonstrate a commitment to the project by contributing to the cost of the project. Exceptions will be made in those instances where the applicant is clearly unable to participate and the merits of the project to the state are substantial enough to warrant funding from CERB.
5. The staff will recommend to the Board repayment schedules for each applicant that maximize the return to the Public Facilities Construction Loan Revolving Fund without putting an undue financial burden on the applicant.
6. The entire application is considered public information. Financial and commercial information provided by the private business in the application will be treated as confidential by the Department of Community, Trade and Economic Development to the extent permitted by 42.17 RCW.
7. CERB staff is directed to inform applicants that CERB policy discourages Board members from discussing the merits of the project with non-CERB members or staff prior to the CERB meeting.
8. CERB staff is directed to inform applicants that the political subdivision has primary responsibility for presenting the proposal at the CERB meeting.
9. The individual(s) representing the private sector justification must be available at the CERB meeting to respond to any questions from CERB members or would be required to appear at a subsequent meeting of CERB before the Initial Offer of Financial Aid is made. If the Initial Offer of Financial Aid cannot be made following the CERB meeting, CERB staff is directed to inform the applicant in writing as to why they were not able to take formal action. This would also apply under the Rural Natural Resources Program if a private sector justification is a part of the application.

COMMUNITY ECONOMIC REVITALIZATION BOARD MEETING SCHEDULE FOR THE 1995-97 BIENNIUM

1995 Meetings

July 20, 1995
September 21, 1995
November 16, 1995

Application Deadline

June 5, 1995
August 7, 1995
October 2, 1995

1996 Meetings

January 18, 1996
March 21, 1996
May 16, 1996
July 18, 1996
September 19, 1996
November 21, 1996

Application Deadline

December 4, 1995
February 5, 1996
April 1, 1996
June 3, 1996
August 5, 1996
October 7, 1996

1997 Meetings

January 16, 1997
March 20, 1997
May 15, 1997

July 17, 1997
September 18, 1997
November 20, 1997

Application Deadline

December 2, 1996
February 3, 1997
March 31, 1997

June 2, 1997
August 4, 1997
October 6, 1997

June 30, 1997 is the end of the 1995-97 Biennium

All of the meetings will be regularly held at the SeaTac International Airport in the large auditorium, or in the airport vicinity when an exception is necessary.

DIRECTIONS TO THE CERB MEETING LOCATION:

Park at the SeaTac Airport parking garage. Take the stairs or the elevator to the fourth floor, if necessary, which is the skybridge level for entering the airport complex. Take the escalator to the ticketing level. Proceed to the Eva Air Airline ticketing booth. Go up the stairway behind the Eva Air ticketing booth to the mezzanine level. Turn left, and you will see the door to the large auditorium. (A CERB sign will be posted.)

COMMUNITY ECONOMIC REVITALIZATION BOARD

Traditional and Rural Natural Resources Program Board Policies

TRADITIONAL PROGRAM

ALLOCATION OF FUNDS

Biennial Year 1995-97 monies will be allocated to fund projects determined worthy by the Board. CERB statute requires the Board to prioritize each proposed project according to relative benefit (RCW 45.160.060). As long as there is more demand for loans or grants than funds available, projects are funded according to priority established in board policy. Examples of criteria analyzed to determine priority include the unemployment rate, projected jobs created and/or retained, wages rates, projected private investment and estimated state and local revenues generated by the projected.

FUNDING CAPACITY

Board policy limits the maximum amount available for any one project at \$750,000 for loans and \$300,000 for grants on projects approved after March 21, 1996.

LOCAL MATCH

A local match of ten percent (10%) of the CERB request is required. Local match may be demonstrated as in-kind contribution or cash.

INTEREST RATES

It is general policy of the Board that interest rates on CERB loans bear a reasonable relationship to the **cost of money**, assuming no special justification exists for a lesser rate. The burden is placed upon the applicant to demonstrate the need for a lesser rate.

The interest rate to be applied to each CERB meeting will be either,

- a) The most current cost (rate) of Washington State 20-year bonds; or
- b) The cost (rate) of CERB funds,

whichever is lower, provided the rate thus determined does not exceed the statutory 10% rate ceiling

In the event an applicant requests a lower rate, the applicant must provide written **justification of need** for the lower rate, at the time the application is reviewed by CERB staff.

CERB staff is directed by the Board to make a specific recommendation regarding the applicant's request for a lower interest rate based on staff's investigation of the applicant's justification of need.

Should conditions arise which, in the applicant's judgment, create a need for a lower rate **after** the application is reviewed by CERB staff, the applicant may submit an addendum up to 15 days before the Board's scheduled meeting date or may reschedule for the next CERB meeting. CERB staff must have time to investigate the applicant's justification of need prior to Board consideration of the application.

The Board, in its judgment, may grant a lesser rate if the Board agrees that the applicant's justification of need is valid.

GRANT POLICY

AWARDING GRANTS

RCW Chapter 43.160.060 states that “A grant may be authorized..., but only when, and to the extent that, a loan is not reasonably possible. . .and the finding by the Board that unique circumstances exist. The Board shall not obligate more than twenty percent of its biennial appropriation as grants.” The award of a grant is the exception to the rule of an offer of financial aid extended by the Board, as CERB is primarily a loan program. The primary financing tool provided by CERB will be a low-interest loan not to exceed (10 percent Traditional; 6 percent RNR) for a maximum loan term of 20 years. CERB staff is directed to investigate the possibility of a zero percent loan with a deferral of principal and interest payments before recommending a grant

It is not the intent or policy of the Board to categorize in advance all possible special needs or unique circumstances that would qualify an applicant for a grant. Such categorization leads applicants to respond to the published categories rather than to describe the needs they really have and the circumstances that beset them. The applicant is responsible for describing and demonstrating why a loan is feasible and why any grant should be awarded. Primary factors for consideration include the ability to service loan debt considering the flexible loan terms that CERB can offer, and the relative value of the project to the community. Grants are limited to 80 percent of CERB participation or \$300,000, which ever is the lesser.

Following are parameters that may be helpful to communities when requesting financial assistance terms.

Sources of Repayment Revenue. No grants will be considered until all potential sources of repayment revenue have been exhausted. These would include debt secured by a property tax pledge to the extent permitted by law (leaving an appropriate emergency reserve amount), as well as all future revenue streams expected to be generated as a result of the project. These would include, but not necessarily be limited to:

- (a) Rents and lease payments from the project,
- (b) Incremental utility revenues (after payment of operations and maintenance derived from the project),
- (c) Other revenues from operation (in the case of port districts), or
- (d) Sales and use taxes (in the case of cities or counties).

Grant Limit. Grants will be limited to 80 percent of CERB participation OR \$300,000, which ever is the lesser. This allows the Board flexibility when considering the unique characteristics of each project. Grant participation per project is limited to a maximum of \$300,000 when the community's need is clearly demonstrated.

The Board, upon awarding a grant, must include in the minutes of the meeting the circumstances which they agree necessitate a grant for the applicant. CERB staff is directed to include a section in the staff evaluation that clearly states those circumstances that prompted staff to recommend a grant rather than a loan, or to recommend denial of a grant.

EXTENSION REQUESTS

Requests to extend the time in which to meet general and special conditions prior to final contract execution will not generally be granted for projects receiving approval after July 1, 1991. The applicant must have all necessary and required actions ready to occur to allow the project to begin within the six-month period from Board approval to final contract execution.

The Board may, on a case-by-case basis, make conditional approval of an applicant's request for an extension of the time to meet conditions of a final contract. Although an extension exceed the Board's six-month policy, such extension may be approved if it does not place a burden on funds available for future projects. If such condition does occur prior to the extended date, the project would be invited to compete with other projects for the limited funds.

CONVINCING EVIDENCE OF PRIVATE DEVELOPMENT

The Board recognizes two levels of convincing evidence that a private sector development is ready to occur. The **First Level** of convincing evidence must be included with the application prior to review by the Board. The **Second Level** of convincing evidence is necessary before the final contract can be executed and prior to disbursement of CERB funds. The reversal or loss of convincing evidence supplied at either level will automatically suspend the approval at that level until appropriate restoration of like convincing evidence occurs.

First Level convincing evidence shall be submitted with each application to CERB staff and shall consist of a signed **Contingency Agreement(s)** between the applicant and the private sector member. If a developer is involved, signed Contingency Agreement(s) between the developer and the proposed tenant shall accompany the application. Signatures of Contingency Agreement(s) shall be those regularly authorized to commit the parties to an agreement.

A Contingency Agreement is defined, for policy purposes, as an agreement which sets forth

- (a) The **basic** intended agreement to exist between the parties;
- (b) The **core** of the transaction, and
- (c) The **major** responsibilities of the parties to each other.

The contingency Agreement shall include dollar amounts (actual, or best estimate if actual amounts are not available), dates, character of development to occur, and other such primary and economic aspects of the project(s). It is not expected that the Contingency Agreement be a binding, legal document. It is, however, an expression of the honest intent of the parties at the time of signing.

Representatives of the private entities involved in the project shall attend the CERB meeting to provide what ever additional information may be needed by the Board. Such representatives shall be those authorized to speak for and to commit the private entities.

Second Level convincing evidence must be produced prior to the execution of the final CERB contract. A fully executed agreement (not contingent) between the applicant and the private sector member must be provided. Acceptable agreements may include, but not be limited to, a signed lease, a contract to construct a facility, or documentation acceptable to CERB staff that funding is available to the private sector member. The Board directs CERB staff to determine what constitutes convincing evidence prior to execution of the final CERB contract.

The reversal or loss of convincing evidence supplied at either level will automatically suspend the approval at that level. The Board will, at its next regularly scheduled meeting, decide the status of the loan or grant. Upon the applicant's presentation of restored or new convincing evidence, or upon submission by the applicant of substantive reason(s) for continuance of the suspension, the Board may, in its judgment:

- (a) Remove the suspension; or
- (b) Continue the suspension until the next CERB meeting; or
- (c) Continue the suspension until a specified date; or
- (d) Deny the loan or grant thus extinguishing prior approval

RURAL NATURAL RESOURCES IMPACT AREA PROGRAM

In order to improve the economic vitality of the state, CERB has been authorized to make loans and grants to qualified applicants of political subdivisions of Washington State located in designated rural natural resources impacted communities. These areas are defined by their dependence on the timber and commercial salmon harvesting industries. CERB's Rural Natural Resources Area Assistance Program has been reauthorized by the Legislature and is available from July 1, 1995 through June 30, 1997. Finance assistance is available for public infrastructure projects and economic feasibility studies.

Eligible rural natural resources impacted counties include Chelan, Clallam, non-urban Clark, Columbia, Cowlitz, Ferry, Grays Harbor, Jefferson, Kittitas, Klickitat, Lewis, Mason, Okanogan, Pacific, Pend Oreille, non-urban Pierce, Skagit, Skamania, non-urban Snohomish, Stevens, Wahkiakum, non-urban Whatcom.

Applications under the Rural Natural Resources Program need not demonstrate evidence that specific private development or expansion is ready to occur or will occur if funds are provided. However, public facility projects must demonstrate economic feasibility, a high probability of success and a likelihood to provide long-term economic benefits to the community. Loans, or grants in unique circumstances, are available for public infrastructure construction to support eligible industrial and tourism projects. Finance assistance for economic feasibility studies is available in the form of matching grants.

Projects must be supported by the community and be consistent with the community's economic development strategy and goals. Local economic development plans must be consistent with appropriate state planning requirements. All infrastructure projects must demonstrate economic benefit with an economic feasibility study or demonstrate economic benefit with an eligible industrial or tourism business linked with the application. Applicants must demonstrate the community's dependence on the timber and/or commercial salmon harvesting industries.

Economic feasibility study matching grants are available to assist these communities identify and evaluate potential projects that have a high probability of assisting community economic diversification efforts.

ALLOCATION OF FUNDS

Biennial Year 1995-97 monies will be allocated to fund projects determined worthy by the Board. CERB statute requires the Board to prioritize each proposed project according to relative benefit (RCW 43.160.060). As long as there is more demand for loans or grants than funds available, projects are funded according to priority established in board policy. Examples of criteria analyzed to determine priority include the unemployment rate, projected jobs created and/or retained, wage rates, projected private investment and estimated state and local revenues generated by the project.

The Board will set aside \$100,000 to fund economic feasibility study applications within the Rural Natural Resources Program. If all of the feasibility funds have not been encumbered at the start of the first half of the second year of the biennium, the Board reserves the authority to move any remaining funds to be available for infrastructure projects.

FUNDING CAPACITY

Infrastructure Projects: CERB is authorized to finance construction projects not to exceed \$500,000 for industrial projects and \$250,000 for tourism projects.

Feasibility Studies: CERB is authorized to finance economic feasibility study matching grants not to exceed \$25,000 per study.

LOCAL MATCH

Infrastructure Projects: A local match of ten percent (10%) of the CERB request is required. Local match may be demonstrated as in-kind contribution or cash.

Feasibility Studies: A dollar-for-dollar match is required, with 50 percent (50%) required in cash. The remaining 50 percent (50%) match is allowed as an in-kind contribution.

An eligible in-kind contribution may be defined as time and materials assigned a current market value.

Example of potential feasibility study financing structure:

CERB maximum:	\$25,000
Local cash match:	\$12,500
In-kind or cash match:	<u>\$12,500</u>
Total Project Cost:	\$50,000

INTEREST RATES

In most cases, CERB will choose to provide funding in the form of a loan rather than a grant, and maximum interest on the loan will not exceed six percent (6%).

In the event an applicant requests a lower rate, the applicant must demonstrate written **justification of need** for the lower rate, at the time the application is reviewed by CERB staff.

CERB staff is directed by the Board to make a specific recommendation regarding the applicant's request for a lower interest rate based on staff's investigation of the applicant's justification of need.

Should conditions arise which, in the applicant's judgment, create a need for a lower rate **after** the application is reviewed by CERB staff, the applicant may submit an addendum up to 15 days before the Board's scheduled meeting date or may reschedule for the next CERB meeting. CERB staff must have time to investigate the applicant's justification of need prior to Board consideration on the application.

The Board, in its judgment, may grant a lesser rate if the Board agrees that the applicant's justification of need is valid.

AWARDING GRANTS

RCW Chapter 43.160 states that CERB "...may provide grants upon finding that unique circumstances exist." It is not the intent or policy of the Board to categorize in advance all possible special needs or unique circumstances that would qualify an applicant for a grant. Such categorization leads applicants to respond to the published categories rather than to describe the needs they really have and the circumstances that beset them. The applicant is responsible for describing and demonstrating why a loan is not feasible and why a grant should be awarded.

The Board, upon awarding a grant, must include in the minutes of the meeting the circumstances which they agree necessitate a grant for the applicant. CERB staff is directed to include a section in the staff evaluation that clearly states those circumstances that prompted staff to recommend a grant rather than a loan, or to recommend denial of a grant.

EXTENSION REQUESTS

Requests to extend the time in which to meet general and special conditions prior to final contract execution will not generally be granted for projects receiving approval after July 1, 1991.

Infrastructure Projects: The applicant must have all necessary and required actions ready to occur to allow the project to begin within the **six-month** period from Board approval to final contract execution.

Feasibility Studies: The applicant must have all necessary and required actions ready to occur to allow the project to begin within the **three-month** period from Board approval to final contract execution,.

CONVINCING EVIDENCE OF ECONOMIC BENEFIT

All infrastructure projects must demonstrate economic benefit through an economic feasibility study ~~of~~ demonstrate economic benefit with an eligible industrial or tourism business linked with the application.

Minimum threshold criteria in a feasibility study shall include a product market analysis linked to economic development; marketing strategy containing action elements linked to timelines; identification of targeted industries; identification of the group responsible for implementing the marketing strategy; the site's appropriateness by addressing, at minimum, appropriate zoning, environmental restrictions, and the site's adequacy to support the anticipated development upon completion; a location analysis of other adequately served vacant land; total funding for the public facilities improvements is secured or will be secured within a given time frame; an analysis of how the project will assist local economic diversification efforts; and identification of specific issues that will be addressed.

Please refer to *Traditional Program Policies, Convincing Evidence of Private Development* for Rural Natural Resources projects with eligible private sector commitment.

REVENUE-BASED LOAN POLICY

1. It is the board's policy that all loans made by the Community Economic Revitalization board will be secured by a general obligation pledge of the taxing power of the borrowing entity. Any request for deviation from this policy must be fully justified by the municipal entity requesting the loan. Specifically, an opinion of the requesting municipal entity's bond counsel that the amount of the requested loan would exceed the requesting municipal entity's legal borrowing capacity will be required in all cases.
2. If a revenue-based loan is requested, and the requirements of (1) above have been met, it is the board's policy that any such loan shall be a senior lien obligation payable from all revenues legally available to the requesting municipal entity. The board will not consider requests for loans secured solely by revenues of the activity to be financed. In addition to the requirements listed above, the following information must be supplied with any application requesting a revenue-based loan.
 - a) A cash flow projection for the five (5) years following completion of the proposed project, certified by an independent CPA, demonstrating at least 110% annual coverage of debt service on the proposed loan and any other outstanding revenue-backed obligations.
 - b) A statement from an investment banking firm of the terms and conditions under which they would be willing to underwrite a revenue-backed bond issue for the proposed project including the term and approximate rate of interest, expressed as a percent of Treasuries of the same approximate term.
3. If the requesting entity does not have outstanding revenue-backed debt, the following covenants and conditions will be added to the CERB final contract. If there is outstanding revenue-backed debt, the following covenants and conditions will be added to the CERB final contract. If there is outstanding revenue-backed debt, the respective covenants of such debt will be added to the CERB final contract unless the following covenants are more restrictive, in which case the following covenants will apply.
 - a) The borrowing entity will provide a senior lien pledge on all legally available revenues. Annual financial reports will be sent to CERB.
 - b) The borrowing entity will set lease rates and other rates and charges such that net available revenues of the borrowing entity, after payment of ordinary maintenance expenses, insurance and taxes, or payments made in lieu of taxes, shall be at least 110% of annual debt service on all long-term debt outstanding. An annual certification of compliance with this covenant by an independent CPA will be supplied to CERB.
 - c) If the borrowing entity proposes to incur additional debt on a parity basis, it must provide CERB with a five-year cash flow projection, certified by an independent CPA, demonstrating at least 110% coverage on annual debt service on all outstanding and the proposed debt.
 - d) The borrowing entity will establish a separate debt service account with monthly deposits of principal and interest, any earnings on such account to inure to the benefit of the borrowing entity. CERB will be provided with copies of the bank statements for such account.
 - e) The borrowing entity will covenant to maintain insurance in the coverage and amounts normally carried on like properties. CERB will annually be provided with a copy of the insurance certificate.
 - f) The borrowing entity will covenant to maintain the property adequately and to provide annual certification to CERB.

- g) The borrowing entity will covenant not to make significant transfer or disposal of assets unless a certification by an independent CPA is provided to CERB that such transfer would not impair debt service coverage on outstanding debt. CERB will be provided with an annual certification of the covenant.
- 4. If a junior lien revenue pledge for the proposed borrowing is requested, the borrowing entity must comply with all the above-listed conditions and must supply the following additional items.
 - a) An opinion of the borrowing entity's bond counsel that issuance of additional parity senior lien revenue debt in the amount requested would violate one or more covenants of the outstanding debt, such covenants and the degree of violation to be specified in the opinion.
 - b) A statement from an investment banking firm of the terms and conditions under which they would be willing to underwrite a junior lien revenue-backed bond issue for the proposed project including the term and the approximate rate of interest, expressed as a percent of Treasuries of the same approximate term.

(3/96)

(policies.wps)

COMMUNITY ECONOMIC REVITALIZATION BOARD (CERB) CODE OF ETHICS

No CERB member may participate in any decision in which the Board member has any beneficial interests, direct or indirect, with an individual, business or unit of local government which would be the recipient or beneficiary of any CERB aid. A Board member who believes he or she may have a conflict of interest shall state the nature of the conflict to the Board prior to any discussion of the project. The Chair of the Board, or the Vice Chair in the Chair's absence, with the advice of the Board's legal counsel, shall have the discretion to determine upon what basis the Board member may participate in any discussions by the Board prior to voting. All such determinations shall be noted in the record of the Board's action.

In addition to those instances defined in 42.18 RCW, a conflict of interest shall exist when:

- (a) A Board member has a professional relationship with an applicant business, or unit of local government, or any affiliate or subsidiary thereof seeking assistance from CERB or any applicant business or affiliate or subsidiary thereof which would be a beneficiary of CERB aid;
- (b) A proposed debt source in conjunction with the project is a financial institution by which the Board member is employed.
- (c) A Board member or his or her employer has a direct and/or indirect interest in any existing or proposed assets or liabilities of the business; or,
- (d) Any other situation wherein the Board member has a beneficial interest in the outcome of the Board's decision by providing monetary or other gain or loss, directly or indirectly or the appearance thereof, to the Board member or his or her employer.

In any instance in which a conflict of interest exists and participation in the Board decision occurs, the Board shall void the transaction and the involved member shall be subject to whatever further sanctions may be provided by law.

CERB policy discourages Board members from discussing the merits of the project with non-CERB members or staff prior to the CERB meeting.

For the purposes of this policy, "CERB member" or "Board member" shall include the following:

- (1) Persons appointed to CERB;
- (2) Their immediate family, including spouses and children; and
- (3) Any other person related to an appointed Board member by blood or marriage.

Adopted: November 19, 1992
Revised: May 19, 1994

CERB Program ALLOCATION OF FUNDS POLICY

1995-97 Biennium

The CERB appropriation is allocated over the biennium to ensure fund availability for at least 18-months of the biennium. Each fund cycle covers a six-month period of time and incorporates three Board meetings.

Set aside \$5,459,356 to fund infrastructure projects
Set aside \$100,000 to fund feasibility studies

Total Appropriation: \$5,559,356

Infrastructure Allocation:

- Infrastructure project allocation (\$5,549,356) is equally divided into three fund cycles of \$1,819,785 for each cycle.

Year 1: \$3,639,571
Year 2: \$1,819,785
+/- 10% discretionary monies available during a fund cycle

- **Feasibility Study Set-Aside:**

Feasibility study projects are funded on an as-available basis. The Board reserves the authority to move the \$100,000 set-aside, or remaining portion thereof, to fund infrastructure projects if the demand for feasibility studies is low and the set-aside remains unused after the first two fund cycles.

Fund Cycles:

Fund Cycle 1:	JUL	Aug	SEP	Oct	NOV	Dec
Fund Cycle 2:	JAN 96	Feb	MAR	Apr	MAY	Jun
Fund Cycle 3:	JUL	Aug	SEP	Oct	NOV	Dec
Remainder of Biennium	JAN 97	Feb	MAR	Apr	MAY	Jun

Maximum allocation per fund cycle for infrastructure projects (if front-loading fund cycles 1 and 2):

	Maximum Allocation	Regular Allocation
Fund Cycle 1:	\$2,001,663	\$1,818,785 (+10% (\$182,878))
Fund Cycle 2:	\$2,001,663	\$1,818,785(+10%(\$182,878))
Fund Cycle 3:	\$1,456,030	\$1,818,785(-20%(\$362,757))

Part III

Public Works Board (PWTF) Rural Natural Resources Loan Program

PART II**TABLE OF CONTENTS**

	Page
Application Submittal Instructions	i
Application Checklist	ii
Capital Facilities Plan Requirements	iii
CFP Standards Which Comply with the Growth Management Act	v
Section I - Threshold Requirements	1
Section II - Project Description	3
Section III - Project Costs and Financing	4
Section IV - Project Schedule	8
Section V - Wetlands Disclosure Form	9
Application Certification	10
Certification by Preparer of Application	11
Scope of Work and Loan Agreement Information	12
Guidelines for Preparing the Scope of Work	13
Sample Repayment Schedule	14
Summary of Eligible Costs	15
Permit Review Checklist	16
PWTF Regional Account Executive Map	17
 Operating Procedures	
Methods of Administration	18
Process for Application	19
Process for Evaluation	19
Funding Projects	20
Public Works Board	21
Public Works Board Mission Statement	22

PWTF APPLICATION SUBMITTAL INSTRUCTIONS

- Consult with PWTF staff to determine if the jurisdiction and project activities are eligible for funding consideration.
- You may submit the application on the form provided or request a copy of it on disk in Microsoft Word format. Please retain the application *as to form*. If more space is needed for a response to a particular question, please attach additional sheets of plain paper to the application form immediately following the question page. (You may further identify the additional page with a letter: i.e., 1-a, 1-b, etc.) *When submitting a retyped application, or an application printed from a disk, please keep the format as is.*
- ***An original and three copies must be submitted.***
- All materials must be submitted in an 8-1/2" by 11" format.
- A map or aerial photo that shows the project area and the specific site must accompany the application.
- Please be sure to check the application to make sure you have answered *all* of the questions, and signed where necessary.
- Applications must be **received** or **post marked by the application due date**.

Due to PWTF:

*June 3, 1996
August 5, 1996
October 7, 1996
December 2, 1996
February 3, 1997
March 1, 1997*

Presented to PW Board for consideration:

*August 6, 1996
October 1, 1996
December 3, 1996
February 4, 1997
April 1, 1997
June 3, 1997*

FAXed applications in their entirety are not acceptable.

Applications can be **mailed** to:

Rural Natural Resources Loan Program
Public Works Trust Fund
Community, Trade and Economic Development
906 Columbia Street SW
Post Office Box 48319
Olympia, Washington 98504-8319

Applications can be **hand delivered** to:

Rural Natural Resources Loan Program
Public Works Trust Fund
Davis-Williams Building, Suite 350
906 Columbia Street SW
Olympia, Washington 98504

PWTF RURAL NATURAL RESOURCES APPLICATION THRESHOLD CHECKLIST

This checklist is to assist applicants in submitting a complete package. *A complete PWTF RNR Application consists of Parts I and III.*

APPLICATION LOCATION

THRESHOLD REQUIREMENTS

- | | |
|--------------------|--|
| | 1. <u>COMPLETE APPLICATION</u> All questions must be fully answered in order to qualify as a complete application. |
| Part I, Section I | 2. <u>RESOLUTION</u> A resolution or ordinance of the local government jurisdiction authorizing submittal of the PWTF application is required. A sample document will be provided upon request. |
| Part I, Section II | 3. <u>FEASIBILITY AND BENEFIT TO THE COMMUNITY</u> An applicant must demonstrate the project's feasibility and benefit to the community. For a new project, the project's viability must be demonstrated with a feasibility study that is responsive to the questions in <i>part I, Section II</i> of the Joint Application. For projects that involve the retention of existing businesses, a feasibility study or other documentation that is responsive to these questions may meet this requirement. <i>Early consultation with PWTF program staff is recommended to discuss your project.</i> |
| Part I, Section VI | 4. <u>ANNUAL FINANCIAL REPORTS</u> Local governments must provide one copy of each of the past three years of annual financial reports that are submitted to the State Auditor. For district applicants, annual reports that provide the equivalent information is satisfactory. |
| Part III | 5. <u>GROWTH MANAGEMENT REQUIREMENTS</u> County and city applicants must comply with applicable Growth Management Act requirements and deadlines. |
| Part I | 6. <u>MAP OR AERIAL PHOTO</u> Applicants must submit a map or aerial photo which shows the vicinity and the specific site for the project. |

PART III - PWTF RURAL NATURAL RESOURCES APPLICATION

Capital Facilities Planning

PUBLIC WORKS TRUST FUND CAPITAL FACILITIES PLAN REQUIREMENTS (For applicants not planning under the Growth Management Act)

Please complete the following:

Does your CFP meet the following minimum standards:

1. Inventory major system components and assess the overall capital needs for the systems checked in question B-1? (Part III, Section I - *Threshold Requirements*.) ☐ Yes ☐ No
2. An identification, prioritization, and coordination of major capital improvement projects planned to meet those needs over a six-year period? ☐ Yes ☐ No
3. An estimation of project costs and identification of financing alternatives for the overall public works system(not necessarily for each capital project listed)? ☐ Yes ☐ No
4. Evidence that the document has been created or updated at least once in the last six years? ☐ Yes ☐ No
5. Evidence that your planning process included the opportunity for public input? ☐ Yes ☐ No
6. Evidence that the document has been formally adopted by the governing body? ☐ Yes ☐ No

If "Yes," please specify if it is a resolution or an ordinance. _____

If you answered "Yes" to all of the above questions, your CFP meets the requirements of the PWTF. You can place a "Yes" response in the appropriate Capital Facilities Plan boxes in Question B-1. (Part III, Section I - *Threshold Requirements*.)

Note: After January 1, 1996, the above CFP standards will change to those standards consistent with the Growth Management Act. See Part III, Page iv.

PART III - PWTF RURAL NATURAL RESOURCES APPLICATION
Capital Facilities Planning

***CAPITAL FACILITIES PLAN (CFP) STANDARDS WHICH COMPLY
WITH THE GROWTH MANAGEMENT ACT (GMA)***

The following standards are the minimum requirements for a Capital Facilities Plan (CFP) under the Growth Management Act (GMA), and as established by the Public Works Board. Effective January 1, 1996, the Trust Fund will be requiring *all loan applicants, whether under GMA or not*, to have CFPs which meet these requirements:

1. Inventory major system components, show locations and capabilities, and assess the overall capital needs for the specific system(s) involved;
2. Forecast future needs for the capital facilities, show location and capabilities of expanded or new capital facilities;
3. Identify, prioritize, and coordinate major capital improvement projects over a six-year period;
4. Estimate capital project costs, identify financing alternatives for each project identified. Transportation projects and funding must be consistent with locally-established service standards;
5. Must be updated on a regular basis. We recommend at least once every two years. *In no case will a plan over six (6) years old be accepted;*
6. Must be consistent with the comprehensive plans of neighboring jurisdictions;
7. Have provided opportunity for early and continuous public participation; and
8. Be consistent with an element of the Comprehensive Plan formally adopted by the governing body of the local jurisdiction.

For number eight above, the Public Works Board will give special interpretation to special purpose districts. Special purpose districts need to show consistency with the comprehensive land use plan of the counties and/or cities in which they provide services.

Note: Counties and cities that have an approved CFP as part of the GMA requirements, generally meet the above standards. A list of counties planning under the GMA, and the due dates are listed on the back of this page.

**GROWTH MANAGEMENT ACT (GMA) COMPREHENSIVE PLAN
AND DEVELOPMENT REGULATION REQUIREMENTS
Timeline by County**

Applicants* in the following counties *must have adopted their Growth Management Comprehensive Plan and Development Regulations by date of application deadline:***

Clallam	Ferry
Jefferson	Kittitas
Mason	Pacific
Pend Oreille	Pierce
Snohomish	Skagit
Whatcom	

Clark, Pierce, Snohomish and Whatcom Counties contain designated, non-urbanized areas that are eligible (see *Joint Application - Part I, pages ii-v*).

Applicants* in the following county *must have adopted their Growth Management Comprehensive Plan by date of application deadline:*

Columbia

Applicants* in the following counties have GMA deadlines that are not affected by this application cycle:

Lewis	Stevens
-------	---------

Applicants in the following counties are not currently subject to GMA requirements:

Cowlitz	Grays Harbor
Klickitat	Okanogan
Skamania	Wahkiakum

**Applicants* include counties, cities and towns. Special purpose districts are exempt from the GMA Comprehensive Plan and Development Regulations requirements for this loan cycle. Special purpose districts should follow the PWTF Capital Facilities Plan Requirements on page III.

***Development Regulations* shall include those covering critical areas, resource lands, urban growth areas, zoning, and subdivision. If you need further clarification regarding GMA requirements, or if you would like a copy of the Growth Management Act, please call the Washington State Growth Management Office at (360) 753-2222.

PART III**PWTF RURAL NATURAL RESOURCES APPLICATION**

The Public Works Trust Fund Rural Natural Resources Loan Program provides financial assistance for the construction of new or expanded infrastructure facilities (road, bridge, domestic water, sanitary sewer, and storm sewer) to stimulate economic diversification in designated Rural Natural Resource impact areas.

SECTION I - THRESHOLD REQUIREMENTS**COUNTIES AND CITIES ONLY** *(not applicable to Special Purpose Districts)*

1. Have you adopted a local one-quarter-of-one-percent (.25%) excise tax on the sale of real property as permitted by RCW 82.46.030? ☐ Yes ☐ No

Date of Adoption _____

2. Are you located in a county that is required to plan under the Growth Management Act? ☐ Yes ☐ No

If "Yes," have you met the requirements?

If you have not fulfilled these requirements, you are not eligible for a PWTF Rural Natural Resources loan. If you will meet the requirements by the date of the Public Works Board meeting at which your application will be considered, you are eligible to apply.

If you are not required to meet GMA requirements, you can apply.

ALL APPLICANTS

1. Please use the following chart to identify the public works system(s) owned and operated by your jurisdiction and the status of the Capital Facilities Plan. (Storm sewer, bridges, and ferries may be public works systems contained within the six-year road plan. (Minimum CFP requirements are presented in Part III, page iii - *Public Works Trust Fund Capital Facilities Plan Requirements.*)

Public Works System	Own or Operate	Capital Facilities Plan? Y/N	Date Adopted	Adopted by Ordinance (O) or Resolution (R)
Bridge				
Road				
Domestic Water				
Sanitary Sewer				
Storm Sewer				

Applicants who do not have a CFP that meets Trust Fund requirements on file should submit their CFP with their application. If you need assistance, please call Terry Dale at (360) 664-0407.

SECTION I - THRESHOLD REQUIREMENTS

2. List the local/regional plan(s) in which your project is identified: (i.e. Regional diversification Strategies or Overall Economic Development Plan [OEDP]). Include who adopted the plan, and where the project is referred in the plan identified below.

<i>Name of Plan</i>	<i>Adopted By/Date</i>	<i>Project on Page No(s) In Plan</i>

3. If your project is not identified in a plan, please explain the situation/process by which you are demonstrating local commitment to, and regional benefit of the project?

Title of Document (Attach copy with Application)

(Date Adopted)

Explanation: _____

SECTION II - PROJECT DESCRIPTION

- A. Write a **Scope of Work** for the project you propose to fund with this loan source. Describe the work to be accomplished in *quantified* terms. How much and what system elements are you proposing to install or expand? (See Part III: PWTF Application, page 11 - *Guidelines for Preparing the Scope of Work.*)

For example: "Install 1,300 lineal feet of 16-inch ductile iron pipe for water transmission to industrial property, expand four-lane roadway to five lanes for 500 lineal feet and replace traffic signal.)

Be specific in your response.

SECTION III - PROJECT COSTS AND FINANCING

1. Estimated Project Costs

Total

Preliminary Engineering Report	\$ _____
Design Engineering	\$ _____
Land/R-O-W Acquisition	\$ _____
Sales and Use Taxes	\$ _____
Other Fees	\$ _____
Inspection	\$ _____
Start-up Costs	\$ _____
Financing Costs	\$ _____
Construction	\$ _____
Contingency (_____%)	\$ _____
Other (List)	\$ _____
	\$ _____
TOTAL ESTIMATED COSTS	\$ _____

2. How and when were project cost estimates made? (For example: 1992 Engineering Study done by city Public Works staff, estimates completed June 1993 by Consulting Engineer.) If applicable, identify the public works standards (i.e. TIB, APWA, AWWA, AASHTO) used to arrive at project scope and cost.

SECTION III: - PROJECT COSTS AND FINANCING

List each project funding source, amount, and date available to the project. Show whether the funds are applied for, pending or approved, and the date of approval or expected approval.

Funding Source	(\$) Amount	Date	AP=Applied For P=Pending A=Approved	Miscellaneous Comments
A. GRANTS:				
1. Federal				
2. State				
CERB				
B. LOANS:				
(List all)				
1. State				
a. CERB				
b. PWTF				
2. Federal				
3. Other				
4. Total Loans (Sum of B. 1 - 3)				
C. LOCALLY GENERATED REVENUE:				
1. General Funds				
2. Capital Reserves				
3. Rates				
4. Assessments				
5. Special Levies				
6. Other Funds				
7. Total Local Revenue (Sum C. 1-6)				

SECTION III - PROJECT COSTS AND FINANCING (Continued)

4. Interest Rates

Interest rates for loans are zero percent (0%) to three percent (3%). The interest rate determination is made during the staff review of the project and is based on the rate requested by the applicant and on the following factors:

- Severity of timber/salmon impact on local economy;
- Rate of unemployment;
- Impact of interest costs on the project and the applicant;
- Ability of the applicant to repay a loan;
- Ability of project to attract economic activity;
- Project revenues;
- Time frame in which revenues are to be generated; and,
- Other factors that may be unique to a project.

Although local financial participation is strongly encouraged, it is not required.

Deferral of Loan Repayment

Applicants can request that loan repayments be deferred for up to five years if necessary. This option is provided for projects that may need the additional time to generate revenue. With a payment deferral, the annual loan payment will be higher because the repayment period is reduced to 15 years, instead of 19. Interest expenses begin to accrue when funds are drawn from PWTF.

5. Describe any known constraints on the above financing sources. Examples might include voter approval, timing issues, or limitations on local contributions.
6. How do you intend to repay this loan? What is the projected payback schedule? If applicable, identify revenue sources or accounts.
7. Do you have existing dedicated funds or reserves to cover emergency capital needs for the public works systems for which you are applying? ☐ Yes ☐ No

If "No," please explain how you plan to finance any unexpected capital expenditures.

SECTION III - PROJECT COSTS AND FINANCING (Continued)

8. Will you be forming any kind of district to help finance this project? (Examples: Utility Local Improvement District [ULID], Local Improvement District [LID], Road Improvement District [RID], Transportation Benefit District [TBD], Business Improvement Area [BIA].

☐ Yes ☐ No

If "Yes," describe the status of your formation process.

(Has the protest period for LID and ULID formation passed? How will you finance the project if you are unsuccessful in passing the local improvement district?

Note: Applicants in the process of establishing an LID or ULID to help pay for projects, should make application for an RNR Loan after the protest period is passed. If the protest period has not passed, you must be able to show your ability to finance the project in the event that the LID or ULID fails. Applicants who have not passed the protest period at time of application, and who have not shown the capacity to repay the project without LID or ULID involvement *will be considered a high risk and may not be awarded a loan.*

9. Describe any other efforts you have made to finance this project, including local, state, federal, and private funds. Please verify the status of your project with other funding sources in writing whenever possible.

10. A period of twenty (20) years is the maximum loan term. The useful life of these improvements is _____ years.

SECTION IV - PROJECT SCHEDULE

1. Indicate the month and year the activities listed were or will be completed:

	<u>Month</u>	<u>Year</u>
Sign Loan Agreement	_____	_____
Obtain Preliminary Engineering Report	_____	_____
Complete Design Engineering	_____	_____
Acquire Land Right-of-Way	_____	_____
Prepare Bid Documents	_____	_____
Award Construction Contract	_____	_____
Begin Construction	_____	_____
Complete Construction	_____	_____
Close-out Report Completed	_____	_____

2. List all permits required for the public sector project and give their current status (i.e. applied 12/91, application being prepared, permit issued, etc.) List anticipated dates for permit issuance.

<i>Permit/Review</i>	<i>Issuer</i>	<i>Status</i>	<i>Anticipated Date</i>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

3. Describe the project's level of readiness to proceed, including but not limited to: site control, engineering, design, etc.

4. Identify any other known factors which could affect your ability to proceed within a timely manner (i.e., wetlands or special habitat, difficulty in obtaining easements, right-of-way acquisition, bond issuance, etc.) Explain the status of environmental permits and/or issues, as appropriate.

SECTION IV - WETLANDS DISCLOSURE FORM (GOVERNOR'S EXECUTIVE ORDER 90-04)

Is there a wetland, as defined by either U.S. Fish and Wildlife or the Clean Water Act, on the site or within the immediate vicinity? ☐ Yes ☐ No

U.S. Fish and Wildlife Definition

For purposes of this classification, wetlands must have one or more of the following three attributes: (1) At least periodically, the land supports predominantly hydrophytes; (2) The substrate is predominantly undrained hydric soil; and, (3) The substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of each year.

Clean Water Act Definition

Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

If "Yes," mark all Washington State Four-Tier Wetlands Rating Categories that apply:

Categories: ☐ I, ☐ II, ☐ III, ☐ IV

Are any wetland mitigation measures proposed to avoid impacts from this project? ☐ Yes ☐ No

If "Yes," please describe.

Will these mitigation measures result in no net loss of wetlands? ☐ Yes ☐ No

Information on this disclosure form was provided by:

Name

Title

Date

Phone

APPLICANT CERTIFICATION

WHEREAS, _____ is applying to the Washington State Public Works Trust Fund Program for a low-interest loan for an eligible project; and

WHEREAS, RCW 43.155.070 requires that applicants planning under RCW 36.70A must have adopted comprehensive plans in conformance with the requirements of Chapter 36.70A RCW, and must have adopted development regulations in conformance with the requirements of Chapter 36.70A RCW; and

WHEREAS, the local governing body has approved submission of this application for a Public Works Trust Fund Rural Natural Resources loan; and

WHEREAS, it is recognized and acknowledged that the entire application packet consists of Section III, all of which contains policy and procedural information applicable to the program. Only Part III, Sections I through V *and any supplemental materials* need be returned for review by the Public Works Board; and

WHEREAS, the applicant recognizes and acknowledges that the information in Part III, Sections I through V, *and any supplementary materials* are the only information which will be considered in the evaluation and rating process. Incomplete responses will result in a reduced chance of funding. In order to ensure fairness for all, the Public Works Board does not accept any additional written materials or permit applicants to make presentations before the Board; and

WHEREAS, the information provided in this application is true and correct to the best of the government's belief and knowledge; and

WHEREAS, the information provided on the Wetlands Disclosure form (Section VI) is accurate to the best of the local government's knowledge and ability; and

WHEREAS, it is necessary that certain conditions be met as part of the application process; and

WHEREAS, RCW 43.155.070 requires that county and city applicants must have adopted the local optional one-quarter of one percent Real Estate Excise Tax, as described in Chapter 82.46 RCW; and

WHEREAS, RCW 43.155.070 requires that applicants must have adopted a long-term financing plan for public works; and

WHEREAS, RCW 43.155.060 requires that the project will be advertised for competitive bids and administered according to standards local procedures; and

WHEREAS, any loan arising from this application constitutes a debt to be repaid, and (person/title) _____ has reviewed and concluded it has the necessary capacity to repay such a loan;

NOW THEREFORE, (name of local government) _____ certifies that it meets these requirements, and further, that it intends to enter into a loan agreement with the Department of Community, Trade and Economic Development, provided that the terms and conditions for a Public Works Trust Fund loan are satisfactory to both parties.

Signed _____

Title _____

Name _____

Date _____

ATTEST _____

**CERTIFICATION BY PREPARER OF APPLICATION
(Staff Member of Consultant)**

WHEREAS, _____ has prepared this application for a Washington State Public Works Trust Fund loan, and

WHEREAS, the preparer recognizes and acknowledges that the entire application packet consists of Part III, which contains policy and procedural information applicable to the program, and that only Part III, Sections I through V, *and supplementary materials* need be returned for review by the Public Works Board; and

WHEREAS, the preparer recognizes and acknowledges that the information in Part III is the only information which will be considered in the evaluation and rating process. Incomplete responses will result in a reduced chance of funding, and that in order to ensure fairness for all, the Public Works Board does not accept any additional written materials or permit applicants to make presentations before the Board; and

WHEREAS, the information provided in this application is true and correct to the best of the preparer's belief and knowledge; and

WHEREAS, the information provided on the Wetlands Disclosure Form (Section VII) is accurate to the best of the preparer's knowledge and ability; and

NOW THEREFORE, _____ recognizes and acknowledges the above declarations and certifies that this application meets the above requirements.

Signed _____

Name _____

Title _____

Date _____

ATTEST _____

PART III - PWTF RURAL NATURAL RESOURCES APPLICATION

Scope of Work and Loan Agreement Information

LOAN AND FINANCING GUARANTEE CONTRACTS:

- (1) Loan funds will be disbursed to the applicant local government pursuant to a contract therefore, which will be offered to the local government with such reasonable terms and conditions as the board may determine: PROVIDED, That the interest rate for loans shall not exceed three percent per annum; PROVIDED FURTHER, That loans may be provided at rates of lower than three percent at the discretion of the Board; PROVIDED FURTHER, That loans shall not exceed twenty years in duration, or the useful life of the improvements, whichever is shorter.
- (2) Public Works project loan and/or financing guarantee agreements offered to local governments shall be formally executed by the local government and the Department of Community, Trade and Economic Development prior to the disbursement of any funds thereunder.
- (3) Public works project loan and/or financing guarantee scope of work forms shall be completed and returned to the Department of Community, Trade and Economic Development by the local government within 90 days of the date a scope of work form request is initiated.
- (4) Work on public works projects financed through loans or financing guarantees offered to local governments must commence within 180 days of contract execution.
- (5) Work on public works projects financed through loans or financing guarantees offered to local governments must be completed within thirty-six months of the date of contract execution (unless a written request for extension is approved by the Board).
- (6) Funds expended by local governments on projects financed through loans or financing guarantees by the Public Works Assistance Account before an agreement has been formally executed by the local government and the department of community, trade and economic development may not be reimbursed with funds from the public works assistance account.
- (7) Public works project loan funds may not be used as a mechanism for refinancing debt.

PART III PWTF RURAL NATURAL RESOURCES APPLICATION

Guidelines for Preparing the Scope of Work

The Scope of Work provides a brief description of your project. When completed and signed, it becomes part of the formal loan agreement. The following are some guidelines to help you in preparing the Scope of Work.

GENERAL GUIDELINES

1. **Base the Scope of Work on the original scope described in your loan application (Part II Section II).** Does the loan application Scope of Work already satisfy the guidelines suggested here? If so, you need not make any changes.
2. **Do not make *significant changes* to the loan application Scope of Work.** major changes (such as adding a new reservoir to a water project or adding a new section of roadway to a road project) will not be allowed.
3. **Provide a concise, quantified description of the project, including length, width, capacities, and quantities.** For example: "Install approximately 5,000 lineal feet of 12" PVC watermain."
4. **Avoid making the Scope too detailed or precise.** Remember the Scope of Work is part of your loan agreement and you may be required to complete all the work elements as described. Too much detail can unnecessarily limit your flexibility.

Instead of: "The project consists of installing 36,959 feet of 16" concrete pipe."

Say: "The project consists of installing approximately 37,000 lineal feet of 16" concrete pipe."

Instead of: "We plan to install a 40 ML protective liner to cover the floor and sidewalls of the reservoir."

Say: "We plan to install the most appropriate protective liner to cover the floor and sidewalls of the reservoir."

5. **Try to make the Scope as inclusive as possible.** You may be able to avoid a future Scope of Work change by anticipating ahead of time the worst-case and/or best-case scenario (e.g., low bids). See *Making the Scope More Inclusive* at right.

MAKING THE SCOPE MORE INCLUSIVE

If your project consists of utility work that requires trench patching and an overlay from roadway edge to roadway edge, include a statement to this effect in your Scope.

You may choose to write a "basic" Scope of Work with additional work elements added should low bids be received. This example below shows how this may be done.

Example: Water Line Installation

Basic Scope of Work: Install approximately 8,000 lineal feet of 8" water line, and approximately 1,200 lineal feet of 6" water line.

Phase II: If sufficient funds are available, an additional 1,200 lineal feet of 6" line will be added.

Caution: Keep in mind while preparing your Scope that you will be expected to complete all the elements identified in your basic Scope, even if engineering review indicates additional work elements may be required or bids come in higher than anticipated.

PUBLIC WORKS TRUST FUND
SAMPLE REPAYMENT SCHEDULE

LOAN AMOUNT: 1,500,000
TERM: 20

		PRINCIPLE PAYMENT	INTEREST PAYMENT AT 3%	INTEREST PAYMENT AT 2%	INTEREST PAYMENT AT 1%
PAYMENT IN YEAR	1	0.00	34,031.25	22,687.50	11,343.75
PAYMENT IN YEAR	2	78,947.37	45,000.00	30,000.00	15,000.00
PAYMENT IN YEAR	3	78,947.37	42,631.58	38,521.05	14,210.53
PAYMENT IN YEAR	4	78,947.37	40,263.16	26,842.11	13,421.05
PAYMENT IN YEAR	5	78,947.37	37,894.74	25,263.16	12,631.58
PAYMENT IN YEAR	6	78,947.37	35,526.32	23,684.21	11,842.11
PAYMENT IN YEAR	7	78,947.37	33,157.89	22,105.26	11,052.63
PAYMENT IN YEAR	8	78,947.37	30,789.47	20,526.32	10,263.16
PAYMENT IN YEAR	9	78,947.37	28,421.05	18,947.37	9,473.68
PAYMENT IN YEAR	10	78,947.37	26,052.63	17,368.42	8,684.21
PAYMENT IN YEAR	11	78,947.37	23,684.21	15,789.47	7,894.74
PAYMENT IN YEAR	12	78,947.37	21,315.79	14,210.53	7,105.26
PAYMENT IN YEAR	13	78,947.37	18,947.37	12,631.58	6,315.79
PAYMENT IN YEAR	14	78,947.37	16,578.95	11,052.63	5,526.32
PAYMENT IN YEAR	15	78,947.37	14,210.53	9,473.68	4,736.84
PAYMENT IN YEAR	16	78,947.37	11,842.11	7,894.74	3,947.37
PAYMENT IN YEAR	17	78,947.37	8,473.68	6,315.79	3,157.89
PAYMENT IN YEAR	18	78,947.37	7,105.26	4,736.84	2,368.42
PAYMENT IN YEAR	19	78,947.37	4,736.84	3,157.89	1,578.95
PAYMENT IN YEAR	20	78,947.37	2,368.42	1,578.95	789.47
TOTAL PAYMENT		1,500,000.00	484,031.25	322,687.50	161,343.75
Assumptions:	First draw:	225,000.00		Date taken:	01-Apr-96
	Second draw:	1,125,000.00			01-Oct-96
	Third draw:	150,000.00			01-Jun-97
	Total drawn:	1,500,000.00			

Note: Numbers may not add-up due to computer rounding.

PUBLIC WORKS TRUST FUND
SAMPLE ESTIMATED REPAYMENT SCHEDULE**

LOAN AMOUNT: \$1,500,000.00
TERM: 20

		PRINCIPAL PAYMENT	INTEREST PAYMENT AT 3%	INTEREST PAYMENT AT 2%	INTEREST PAYMENT AT 1%
DEFER PAYMENT	1997		34,031.25	22,687.50	11,343.75
DEFER PAYMENT	1998		45,000.00	30,000.00	15,000.00
DEFER PAYMENT	1999		45,000.00	30,000.00	15,000.00
DEFER PAYMENT	2000		45,000.00	30,000.00	15,000.00
DEFER PAYMENT	2001		45,000.00	30,000.00	15,000.00
PAYMENT IN YEAR	2002		259,031.25	172,687.50	*86,343.75
PAYMENT IN YEAR	2003	107,142.86	45,000.00	30,000.00	15,000.00
PAYMENT IN YEAR	2004	107,142.86	41,785.71	27,857.14	13,928.57
PAYMENT IN YEAR	2005	107,142.86	38,571.43	25,714.29	12,857.14
PAYMENT IN YEAR	2006	107,142.86	35,357.14	23,571.43	11,785.71
PAYMENT IN YEAR	2007	107,142.86	32,142.86	21,428.57	10,714.29
PAYMENT IN YEAR	2008	107,142.86	28,928.57	19,285.71	9,642.86
PAYMENT IN YEAR	2009	107,142.86	25,714.29	17,142.86	8,571.43
PAYMENT IN YEAR	2010	107,142.86	22,500.00	15,000.00	7,500.00
PAYMENT IN YEAR	2011	107,142.86	19,285.71	12,857.14	6,428.57
PAYMENT IN YEAR	2012	107,142.86	16,071.43	10,714.29	5,357.14
PAYMENT IN YEAR	2013	107,142.86	12,857.14	8,571.43	4,285.71
PAYMENT IN YEAR	2014	107,142.86	9,642.86	6,428.57	3,214.29
PAYMENT IN YEAR	2015	107,142.86	6,428.57	4,285.71	2,142.86
PAYMENT IN YEAR	2016	107,142.86	3,214.29	2,142.86	1,071.43
TOTAL PAYMENT		1,500,000.00	596,531.25	397,687.50	198,843.75
First draw:		225,000	01-Apr-96		
Second draw:		1,125,000	01-Oct-96		
Third draw:		150,000	01-Jun-97		

Note: Numbers may not add up due to computer round-off.

** First payment interest only.

**** This Estimated Repayment Schedule is for a loan granted with a five-year deferral**

**PUBLIC WORKS TRUST FUND
SUMMARY OF ELIGIBLE PROJECT COSTS**
(as excerpted from WAC 399-30-030)

(3) Direct costs eligible for public works loans are those costs which are directly attributable to a specific project and shall include:

(a) Direct labor (engineering and/or construction) including related employee benefits:

(l) Salaries and wages (at actual or average rates) covering productive labor hours of the local government employees

(excluding the administrative organization of the operating unit involved) for periods of time, actively or incidentally engaged in:

- (A) engineering,
- (B) acquisition of rights of way, and
- (C) construction related review/inspections and testing.

The costs of services rendered by employees generally classified as administrative are considered a direct cost only when such employees are assigned for short periods of time to perform on a full-time basis the types of services described above.

(ii) Employee benefits relating to direct labor are considered a direct cost of construction projects. the following items may be included as employee benefits:

- (A) (Social Security) - employer's share
- (B) Retirement benefits
- (C) Hospital, health, dental, and other welfare insurance
- (D) Life insurance
- (E) Industrial and medical insurance
- (F) Vacation
- (G) Holiday
- (H) Sick leave
- (I) Military leave and jury duty

Employee benefits shall be calculated as a percentage of direct labor dollars. The computation of predetermined percentage rated to be applied to current labor costs shall be based upon the average of total employee benefits and total labor costs for the prior fiscal year and adjusted by known current year variations.

(a) Contract engineering or planning services.

(b) Right of way acquisition costs including:

- (i) Purchase of land and easements acquired for and devoted to the project;
- (ii) Purchase of improvements;
- (iii) Adjustments or reestablishment of improvements;
- (iv) Salaries, expenses or fees or appraisers, negotiators or attorneys;
- (v) Removal or demolition of improvement; and
- (vi) Other direct costs in connection with the acquisition.

Amounts received from the sale of excess real property or improvements and from any rentals shall be a reduction of the direct cost.

(d) Contract construction work.

(e) Direct vehicle and equipment charges at the actual rental cost paid for the equipment, or in the case of city- or county-owned equipment, at the rental rates established by the local government's "equipment rental and revolving fund" following the methods prescribed by the division of municipal corporations: Provided, that such costs shall be charge don a uniform basis to equipment used for all projects regardless of the source of funding. Cities with the population of 8,000 or less, which may not use this type of fund, shall be allowed the same rates as used by the Department of Transportation.

(f) Direct materials and supplies. The cost of materials used in projects shall be based upon methods prescribed for the "equipment rental and revolving fund" by the division of municipal corporations.

- (i) Telephone charges
- (ii) Reproduction and photogrammetry costs;
- (iii) Computer usage; and
- (iv) Printing and advertising.

OPERATING PROCEDURES

Section 1.1 - METHODS OF ADMINISTRATION

- A. This program is known as the Rural Natural Resources Loan Program.
- B. Program funding cycles are determined by the Public Works Board. The Board retains the right to roll-over or merge dollars available for any given funding cycle
- C. Applications can be submitted by counties, cities, or special purpose districts every other month prior to the scheduled Public Works Board meetings
- D. Complete application packages are evaluated by Department of Community, Trade and Economic Development staff. Information submitted after the application deadline will not be accepted for consideration by the Public Works Board or staff. A request from a jurisdiction can be submitted in writing that its application be held over until the next application deadline.
- E. PWTF staff conducts project site visits. This is an element of the application deadline.
- F. Project proposals and financing packages are presented by PWTF staff to the Public Works Board.
- G. The Public Works Board approves or denies requests and establishes conditions, rates, and terms of loan agreements.
 - a. The loan term shall be for the life of the project up to a maximum of 20 years.
 - b. The maximum interest rate charged shall be three percent (3%). (The interest rate is determined by an evaluation of various factors. See Part III, Page 6.) **Grants cannot be awarded under this program.**
- H. On-site presentation of contract procedures is available on request for successful applicants; unsuccessful applicants may seek a debriefing by PWTF staff on application procedures, process and Rural Natural Resource program policy.
- I. Loan agreements are signed by local jurisdiction officers, CTED officers and the Washington State Attorney General.
- J. Recipients of Loan Agreements submit Quarterly Construction Progress Reports to the PWTF Contract Administrator.
- K. Recipients of Loan Agreements submit annual written reports to PWTF staff. The Annual RNR Report will include information on:
 - * Marketing activities,
 - * Job Retention/creation activities;
 - * Changes made to the local short- and long-term economic diversification strategies; and
 - * Other information as determined by the type of funded project and recommended by PWTF staff.
- L. PWTF staff review annual progress reports.

SECTION 1.2 - PROCESS FOR APPLICATION

PWTF staff will review application for demonstration of commitment and thoroughness. *Incomplete packets will not be reviewed by staff.*

A. A complete packet shall contain:

1. The **original and three photocopies** of the application.
2. A map or aerial photo of the project site.
3. A feasibility study which meetings minimum program requirements.¹
4. An authorizing resolution from the jurisdiction's legislative body.
5. Letters or resolutions of support from local organizations and local/regional tourism organizations as applicable.
6. Status of commitments from other funding sources.

B. A team of CTED staff analyzes each complete application. Staff recommendations are presented to the Public Works Board for approval for funding.

SECTION 1.3 - PROCESS FOR EVALUATION

A. Eligibility requirements:

1. Eligible applicants must be county, city or special purpose districts that provide road, bridge, domestic water, sanitary sewer and storm sewer services. Projects may be for more than one system. Port authorities and school districts are not eligible for funding under the Rural Natural Resources Program, though they may be partners with eligible applicants. **Rolling stock, routine maintenance, and operation are not eligible projects.**

Eligible applicants must:

- a. Be located in a legislatively-designated Rural Natural Resource impact county;
 - b. Demonstrate local dependence on the timber and salmon economies;
 - c. Demonstrate public support for the project (i.e., letters from constituents, community service groups, existing business and industry, and published articles);
 - d. Document commitment to the project with authorizing resolutions from local units of government;
 - e. Demonstrate that the project is consistent with a local/regional economic development plan that meets CTED standards;
 - f. Have an adopted Capital Facilities Plan(s) that meets PWTF requirements²;
 - g. Have a project feasibility study completed; and
 - h. County and city applicants must have adopted the one-quarter of one percent (0.25%) Real Estate Excise Tax per RCW 82.010(2)
2. Industrial, commercial, tourism and mixed-use infrastructure improvements projects are eligible for funding under the Rural Natural Resources program.
 3. Projects will be evaluated and rated in three areas: project feasibility, local need and local effort to diversify the local economy and provide opportunities for local timber and salmon workers. Major emphasis shall be placed on project feasibility.

¹ Contact staff for clarification of this requirement.

² Contact staff for clarification of this requirement.

SECTION 1.4 - FUNDING PROJECTS

- A. Costs incurred prior to contract execution will not be reimbursed by the Rural Natural Resources Program under any circumstances
- B. PWTF retains the right to accept or deny any application for financial assistance under its Rural Natural Resources Program.
- C. Funds will be awarded based upon the capacity of the loan pool, the quality and merit of the application in comparison to other applications received during the same application period, and degree of timber and salmon industry impact.
- D. Applicants denied assistance during one funding cycle may resubmit their application during another funding cycle. The PWTF will retain one copy of all eligible applications for record keeping purposes
- E. Applicants may seek funding for more than one project during the course of the biennium.
- F. Successful applicants are required by PWTF enabling legislation to use the competitive bid process as detailed in RCW 43.155.065. This law is specific to the Public Works Trust Fund and supersedes any other competitive bidding laws of counties, cities, or special purpose districts. Force account work is not permitted. Projects may not be split into sub-elements in order to circumvent bidding requirements. Engineering and design activities may be performed in-house by staff or by engineering consultants under the state law on architectural or engineering services procurement (RCW 39.80).
- G. Applicants must be applicable Growth Management Act (GMA) requirements.
- H. The Board requires that the project shall be in compliance with the State Environmental Policy Act (SEPA) requirements prior to signature of the loan contract.
- I. The Board may explore potential penalties which could be assessed for projects which do not proceed in a reasonable amount of time.

Public Works Board

John Woodworth, Acting Chair
President
Woodworth and Company
Tacoma, Washington
General Public Nominee

Terry J. Matelich
Manager
Val Vue Sewer District
Seattle, Washington
Sewer District Nominee

Moe R. Batra
RH2 Engineering
Seattle, Washington
General Public Nominee

The Honorable Allen E. Ogdon
Mayor
City of Cheney
City Nominee

Mary Jo Briggs
Deputy City Manager
City of Vancouver
City Nominee

Yoshio Ohno
President
Ohno Construction Company
Seattle, Washington
General Public Nominee

The Honorable Cheryl Chow
City Councilmember
City of Seattle
City Nominee

The Honorable Travis Reed
Commissioner
North Perry Water District
Bremerton, Washington
Water District Nominee

Peter E. Hahn
Public Works Director
Snohomish County
County Nominee

General Public Nominee
Vacant

The Honorable Nora Mae Keifer
Whitman County Commissioner
County Nominee

County Nominee
Vacant

Ken Kukuk
Manager
Asotin County PUD
PUD Nominee

MISSION STATEMENT

Mission Statement

The Public Works Board has established that the Rural Natural Resources Program is to provide for increased economic opportunities for residents of timber and salmon dependent areas of the state.

To accomplish this Mission, the Board:

- ☼ Designed a program that will consider each applicant's community project on the basis of need, local economic development effort, and the feasibility of the project. The greatest emphasis is on project feasibility.
- ☼ Determined that in order to receive funding, projects must provide opportunities for local economic diversification. Priority will be given to projects which provide job opportunities to the pool of local workers affected by the declining timber and salmon industries.
- ☼ Encouraged preservation of the PWTF orientation towards client needs by maintaining program simplicity, encouraging coordination with other financial assistance programs, and establishing flexible standards that will permit the client to tell their own story
- ☼ Retained the right to modify the program as needed to best meet the program Mission.

Client Obligations

The Public Works Board asks that applicants recognize and support the following principals:

- ☼ Responsible use of PWTF monies mandates a competitive process in which only those projects with a high probability of success will be funded.
- ☼ Explain how the project will benefit displaced timber and salmon workers of the region, explore reasonable avenues of public and private cooperation and coordination, and demonstrate that public input has been sought and such input has generated support for the project.
- ☼ Participate in evaluation of the success of the Rural Natural Resources program in meeting its mission.

PERMIT REVIEW CHECKLIST

This checklist is intended to provide applicants with additional assistance in scheduling for the acquisition of necessary permits and approvals related to their proposed project. **This checklist is for applicant's use only. Do not return with the application.**

- | | |
|---|--|
| <input type="checkbox"/> Building Permit | <input type="checkbox"/> Shoreline Management Act Compliance (RCW 90.58) |
| <input type="checkbox"/> Grading Permit | <input type="checkbox"/> Exempt |
| <input type="checkbox"/> SEPA Compliance (WAC 197-11) | <input type="checkbox"/> Shoreline Permit |
| <input type="checkbox"/> Categorically exempt | <input type="checkbox"/> Conditional Use |
| <input type="checkbox"/> Determination of non-significance Or mitigation (dns) | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Determination of significance (ds) (Environmental Impact Statement required) | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Other _____ | <input type="checkbox"/> Other _____ |

STATE PERMITS AND REVIEWS

- | | |
|---|---|
| <input type="checkbox"/> Hydraulic Code Compliance (RCW 75.20 DOF or WDW) | <input type="checkbox"/> Wetlands Disclosure (Governor's Executive Order 90-04) |
| <input type="checkbox"/> Floodplain Disclosure (RCW 86.16) | <input type="checkbox"/> Critical Area Disclosure (RCW 36.70A) |
| <input type="checkbox"/> Puget Sound Basin Disclosure (RCW 90.70) | |
| <input type="checkbox"/> Puget Sound Basic Disclosure (RCW 90.70) | |
| <input type="checkbox"/> Other _____ | |
| <input type="checkbox"/> Other _____ | |

FEDERAL PERMITS AND REVIEWS

- | | |
|--|---|
| <input type="checkbox"/> NEPA (NEPA PL 91-190, as amended) | <input type="checkbox"/> U.S. Army Corps of Engineers |
| <input type="checkbox"/> Other | <input type="checkbox"/> Section 10 |
| <input type="checkbox"/> Other | <input type="checkbox"/> Section 404 |

A copy of the publication *Commonly Required Environmental Permits for Washington State No. 90-29* may be obtained without charge by writing:

**Department of Ecology, Publications
Post Office Box 47600
Olympia, Washington 98504-7600**

Or call (360) 407-7472

Appendix A

Enabling Legislation

Chapter 39.69

PUBLIC LOANS TO MUNICIPAL CORPORATIONS

Sections

39.69.010	“Municipal corporation” defined.
39.69.020	Loan agreements.
39.69.030	Application of constitutional debt limitations.
39.69.040	Chapter supplemental.

39.69.010 “Municipal corporation” defined. As used in this chapter, “Municipal corporation” includes counties, cities, towns, port districts, sewer districts, water districts, school districts, metropolitan park districts, or such other units of local government which are authorized to issue obligations. [1987 c 19§ 1.]

39.69.020 Loan agreements. Any municipal corporation may enter into a loan agreement containing the terms and conditions of a loan from an agency of the state of Washington or the United States of America and evidencing the obligation of the municipal corporation to repay that loan under the terms and conditions set forth in the loan agreement. A loan agreement may provide that the municipal corporation will repay the loan solely from revenues set aside into a special fund for repayment of that loan. In the case of a municipal corporation authorized to borrow money payable from taxes, and authorized to levy such taxes, the loan agreement may provide that repayment of the loan is a general obligation of the municipal corporation, or both a general obligation and an obligation payable from revenues set aside into a special fund.

The state or federal agency making the loan shall have such rights of recovery in the event of a default in payment or other breach of the loan agreement as may be provided in the loan agreement or otherwise by law. [1987 c 19§ 2.]

39.69.030 Application of constitutional debt limitation. Nothing in this chapter authorizes municipal corporations to incur indebtedness beyond constitutional indebtedness limitations. [1987 c 19§ 3.]

39.69.040 Chapter supplemental. The authority under this chapter is supplemental and in addition to the authority to issue obligations under any other provision of law. [1987 c 19§ 4.]

Chapter 39.80

CONTRACTS FOR ARCHITECTURAL AND ENGINEERING SERVICES

Sections

- 39.80.010 Legislative declaration.
- 39.80.020 Definitions.
- 39.80.030 Agency's requirement for professional services - Advance publication.
- 39.80.040 Procurement of architectural and engineering services--
Submission of statement of qualifications and performance data--Participation by minority and women-owned firms.
- 39.80.050 Procurement of architectural and engineering services--
Contract negotiations.
- 39.80.060 Procurement of architectural and engineering services--
Exception for emergency work.
- 39.80.070 Contracts, modifications reported to the office of financial management.
- 39.80.900 Savings.
- 39.80.910 Severability--1981 c 61.

39.80.010 Legislative declaration. The legislature hereby establishes a state policy, to the extent provided in this chapter, that governmental agencies publicly announce requirements for architectural and engineering services, and negotiate contracts for architectural and engineering services on the basis of demonstrated competence and qualification for the type of professional services required and at fair and reasonable prices. [1981 c 61§ 1.]

Effective date-1971 c 61: "This act shall take effect on January 1, 1982." [1981 c 61§ 9.]

39.80.020 Definitions. Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this chapter.

(1) "State agency" means any department, agency, commission, bureau, office, or any other entity or authority of the state government.

(2) "Local agency" means any city and any town, county special district, municipal corporation, agency, port district or authority, or political subdivision of any type, or any other entity or authority of local government in corporate form or otherwise.

(3) "Special district" means a local unit of government, other than a city, town, or county, authorized by law to perform a single function or a limited number of functions, and including but not limited to, water districts, irrigation districts, fire districts, school districts, community college districts, hospital districts, sewer districts, transportation districts, and metropolitan municipal corporations organized under chapter 35.58 RCW.

(4) "Agency" means both state and local agencies and special districts as defined in subsection[s] (1), (2), and (3) of this section.

(5) "Architectural and engineering services" or "professional services" means professional services rendered by any person, other than as an employee of the agency, contracting to perform activities within the scope of the general definition of professional practice in chapters 18.08, 18.43, or 18.96 RCW.

(6) "Person" means any individual, organization, group, association, partnership, firm, joint venture, corporation, or any combination thereof.

(7) "Consultant" means any person providing professional services who is not an employee of the agency for which the services are provided.

(8) "Application" means a completed statement of qualifications together with a request to be considered for the award of one or more contracts for professional services. [1981 c 61§ 2.]

Effective date-1981 c 61: See note following RCW 39.80.010.

39.80.030 Agency's requirement for professional services--Advance publication.

Each agency shall publish in advance that agency's requirement for professional services. The announcement shall state concisely the general scope and nature of the project or work for which the services are required and the address of a representative of the agency who can provide further details. An agency may comply with this section by: (1) Publishing an announcement on each occasion when professional services provided by a consultant are required by the agency; or (2) announcing generally to the public its projected requirements for any category or type of professional services. [1981 c 61 § 3.]

Effective date--1981 c 61: See note following RCW 39.80.,010.

39.80.040 Procurement of architectural and engineering services--Submission of statement of qualifications and performance data--Participation by minority and women-owned firms. In the procurement of architectural and engineering services, the agency shall encourage firms engaged in the lawful practice of their profession to submit annually a statement of qualifications and performance data. The agency shall evaluate current statements of qualifications and performance data on file with the agency, together with those that may be submitted by other firms regarding the proposed project, and shall conduct discussions with one or more firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required services and then shall select therefrom, based upon criteria established by the agency, the firm deemed to be the most highly qualified to provide the services required for the proposed project. Such agency procedures and guidelines shall include a plan to insure that minority and women-owned firms are afforded the maximum practicable opportunity to compete for and obtain public contracts for services. The level of participation by minority and women-owned firms shall be consistent with their general availability within the professional communities involved. [1981 c 61 § 4.]

Effective date--1981 c 61: See note following RCW 39.80.010.

39.80.050 Procurement of architectural and engineering services--Contract negotiations. (1) The agency shall negotiate a contract with the most qualified firm for architectural and engineering services at a price which the agency determines is fair and reasonable to the agency. In making its determination, the agency shall take into account the estimated value of the services to be rendered as well as the scope, complexity, and professional nature thereof.

(2) If the agency is unable to negotiate a satisfactory contract with the firm selected at a price the agency determines to be fair and reasonable, negotiations with that firm shall be formally terminated and the agency shall select other firms in accordance with RCW 39.80.040 and continue in accordance with this section until an agreement is reached or the process is terminated. [1981 c 61 § 5.]

Effective date--1981 c 61: See note following RCW 39.80.010.

39.80.060 Procurement of architectural and engineering services--Exception for emergency work. (1) This chapter need not be complied with by any agency when the contracting authority makes a finding in accordance with this or any other applicable law that an emergency requires the immediate execution of the work involved.

(2) Nothing in this chapter shall relieve the contracting authority from complying with applicable law limiting emergency expenditures. [1981 c 61 § 6.]

Effective date--1981 c 61: See note following RCW 39.80.010.

39.80.070 Contracts, modifications reported to the office of financial management.

Contracts entered into by any state agency for architectural and engineering services, and modifications thereto, shall be reported to the office of financial management on a quarterly basis, in such form as the office of financial management prescribes. [1993 c 433§ 9.]

39.80.900 Savings. Nothing in this chapter shall affect the validity or effect of any contract in existence on January 1, 1982. [1981 c 61§ 7.]

Effective date--1981 c 61: See note following RCW 39.80.010.

39.80.910 Severability--1981 c 61. If any provisions of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. [1981 c 61§ 8.]

Effective date--1981 c 61: See note following RCW 39.80.010.

Chapter 43.31
DEFINITIONS
TIMBER IMPACT AREA AND RURAL NATURAL RESOURCES IMPACT AREA

43.31.601 Definitions. For the purposes of RCW 43.31.601 through *43.31.661:

(1) "Timber impact area" means a county having a population of less than five hundred thousand, or a city or town located within a county having a population of less than five hundred thousand, and meeting two of the following three criteria, as determined by the employment security department, for the most recent year such data is available: (a) A lumber and wood products employment location quotient at or above the state average; (b) projected or actual direct lumber and wood products job losses of one hundred positions or more, except counties having a population greater than two hundred thousand but less than five hundred thousand must have direct lumber and wood products job losses of one thousand positions or more; or (c) an annual unemployment rate twenty percent or more above the state average.

(2)(a) "Rural natural resources impact area" means:

(i) A nonmetropolitan county, as defined by the 1990 decennial census, that meets two of the five criteria set forth in (b) of this subsection; or

(ii) A nonurbanized area, as defined by the 1990 decennial census, that is located in a metropolitan county that meets two of the five criteria set forth in (b) of this subsection.

(b) For the purposes of designating rural natural resources impact areas, the following criteria shall be considered:

(i) A lumber and wood products employment location quotient at or above the state average;

(ii) A commercial salmon fishing employment location quotient at or above the state average;

(iii) Projected or actual direct lumber and wood products job losses of one hundred positions or more;

(iv) Projected or actual direct commercial salmon fishing job losses of one hundred positions or more; and

(v) An unemployment rate twenty percent or more above the state average.

The counties that meet these criteria shall be determined by the employment security department for the most recent year for which data is available. For the purposes of administration of programs under this chapter, the United States post office five-digit zip code delivery areas will be used to determine residence status for eligibility purposes. For the purpose of this definition, a zip code delivery area that is located wholly or partially in an urbanized area or within two miles of an urbanized area is considered urbanized. The office of financial management shall make available a zip code listing of the areas to all agencies and organizations providing services under this chapter. [1995 c 226 § 1; 1992 c 21 § 2; 1991 c 314 § 2.]

NOTES:

***Reviser's note:** RCW 43.31.661 was repealed by 1995 c 226 § 33, effective July 1, 1995.

Reviser's note--Sunset Act application: The rural natural resources impact area programs are subject to review, termination, and possible extension under chapter 43.131 RCW, the Sunset Act. See RCW 43.131.385. RCW 38B.50.258, 28B.50.262, 28B.80.570, 28B.80.575, 28B.80.580, 28B.80.585, 43.17.065, 43.20A.750, 43.31.601, 43.31.641, 43.31.651, 43.63A.021, 43.63A.440, 43.63A.600, 43.160.200, 43.160.212, 43.168.140, 50.12.270, 50.22.090, 50.70.010 and 50.70.020 are scheduled for future repeal under RCW 43.131.386.

Severability--1995 c 226: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1995 c 226 § 37.]

Conflict with federal requirements--1995 c 226: "If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect

the operation of the remainder of this act in its application to the agencies concerned. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state.” [1995 c 22~~6~~ 38.]

Effective date--1995 c 226: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995." [1995 c 226 § 39.]

Findings--1991 c 314: "The legislature finds that:

(1) Cutbacks in allowable sales of old growth timber in Washington state pose a substantial threat to the region and the state with massive layoffs, loss of personal income, and declines in state revenues;

(2) The timber impact areas are of critical significance to the state because of their leading role in the overall economic well-being of the state and their importance to the quality of life to all residents of Washington, and that these regions require a special state effort to diversify the local economy.

(3) There are key opportunities to broaden the economic base in the timber impact areas including agriculture, high-technology, tourism, and regional exports; and

(4) a coordinated state, local, and private sector effort offers the greatest potential to promote economic diversification and to provide support for new projects within the region.

The legislature further finds that if a special state effort does not take place the decline in allowable timber sales may result in a loss of six thousand logging and milling jobs; two hundred million dollars in direct wages and benefits; twelve thousand indirect jobs; and three hundred million dollars in indirect wages and benefits.

It is the intent of the legislature to develop comprehensive programs to provide diversified economic development and promote job creation and employment opportunities for the citizens of the timber impact areas." [1991 c 314 § 1.]

CHAPTER 43.155 RCW PUBLIC WORKS PROJECTS

PUBLIC WORKS TRUST FUND ENABLING LEGISLATION

Sections

43.155.010 Legislative findings and policy.
43.155.020 Definitions.
43.155.030 Public works board created.
43.155.040 General powers of the board.
43.155.050 Public works assistance account.
43.155.060 Public works financing powers--Competitive bid on projects.
43.155.065 Emergency public works projects.
43.155.070 Eligibility and priority.
43.155.080 Records and audits.
43.155.090 Loan agreements.

RCW 43.155.010 Legislative findings and policy. The legislature finds that there exists in the state of Washington over four billion dollars worth of critical projects for the planning, acquisition, construction, repair, replacement, rehabilitation, or improvement of streets and roads, bridges, water systems, and storm and sanitary sewage systems. The December, 1983 Washington state public works report prepared by the planning and community affairs agency documented that local governments expect to be capable of financing over two billion dollars worth of the costs of those critical projects but will not be able to fund nearly half of the documented needs. The legislature further finds that Washington's local governments have unmet financial needs for solid waste disposal, including recycling, and encourages the board to make an equitable geographic distribution of the funds. It is the policy of the state of Washington to encourage self-reliance by local governments in meeting their public works needs and to assist in the financing of critical public works projects by making loans, financing guarantees, and technical assistance available to local governments for these projects. [1985 c 446 § 7.]

RCW 43.155.020 Definitions. Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this chapter.

- (1) "Board" means the public works board created in RCW 43.155.030.
- (2) "Department" means the department of community, trade, and economic development.
- (3) "Financing guarantees" means the pledge of money in the public works assistance account, or money to be received by the public works assistance account, to the repayment of all or a portion of the principal of or interest on obligations issued by local governments to finance public works projects.
- (4) "Local governments" means cities, towns, counties, special purpose districts, and any other municipal corporations or quasi-municipal corporations in the state excluding school districts and port districts.
- (5) "Public works project" means a project of a local government for the planning, acquisition, construction, repair, reconstruction, replacement, rehabilitation, or improvement of streets and roads, bridges, water systems, or storm and sanitary sewage systems and solid waste facilities, including recycling facilities.
- (6) "Solid waste or recycling project" means remedial actions necessary to bring abandoned or closed landfills into compliance with regulatory requirements and the repair, restoration, and replacement of existing solid waste transfer, recycling facilities, and landfill projects limited to the opening of landfill cells that are in existing and permitted landfills.
- (7) "Technical assistance" means training and other services provided to local governments to: (a) Help such local governments plan, apply, and qualify for loans and financing guarantees from the board, and (b) help local governments improve their ability to plan for, finance, acquire, construct, repair, replace, rehabilitate, and maintain public facilities. [1995 c 399 § 85; 1985 c 446 § 8.]

RCW 43.155.030 Public works board created. (1) The public works board is hereby created.

(2) The board shall be composed of thirteen members appointed by the governor for terms of four years, except that five members initially shall be appointed for terms of two years. The board shall include: (a) Three members, two of whom shall be elected officials and one shall be a public works manager, appointed from a list of at least six persons nominated by the association of Washington cities or its successor; (b) three members, two of whom shall be elected officials and one shall be a public works manager, appointed from a list of at least six persons nominated by the Washington state association of counties or its successor; (c) three members appointed from a list of at least six persons nominated jointly by the Washington state association of water districts, the Washington public utility districts association, and the Washington state association of sewer districts or their successors; and (d) four members appointed from the general public. In appointing the four general public members, the governor shall endeavor to balance the geographical composition of the board and to include members with special expertise in relevant fields such as public finance, architecture and civil engineering, and public works construction. The governor shall appoint one of the general public members of the board as chair. The term of the chair shall coincide with the term of the governor.

(3) Staff support to the board shall be provided by the department.

(4) Members of the board shall receive no compensation but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

(5) If a vacancy on the board occurs by death, resignation, or otherwise, the governor shall fill the vacant position for the unexpired term. Each vacancy in a position appointed from lists provided by the associations under subsection (2) of this section shall be filled from a list of at least three persons nominated by the relevant association or associations. Any members of the board, appointive or otherwise, may be removed by the governor for cause in accordance with RCW 43.06.070 and 43.06.080. [1985 c 446 § 9.]

RCW 43.155.040 General powers of the board. The board may:

(1) Accept from any state or federal agency, loans or grants for the planning or financing of any public works project and enter into agreements with any such agency concerning the loans or grants;

(2) Provide technical assistance to local governments;

(3) Accept any gifts, grants, or loans of funds, property, or financial or other aid in any form from any other source on any terms and conditions which are not in conflict with this chapter;

(4) Adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this chapter;

(5) Do all acts and things necessary or convenient to carry out the powers expressly granted or implied under this chapter. [1985 c 446 § 10.]

RCW 43.155.050 Public works assistance account. The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and to give financial guarantees to local governments for public works projects. Moneys in the account may also be appropriated to provide for state match requirements under federal law for projects and activities conducted and financed by the board under the drinking water assistance account. During the 1995-97 fiscal biennium, moneys in the public works assistance account may be appropriated for transfer to the flood control assistance account to be used for flood control assistance, including grants under chapter 86.26 RCW. To the extent that moneys in the public works assistance account are not appropriated during the 1995-97 fiscal biennium for public works or flood control assistance, the legislature may direct their transfer to the state general fund. In awarding grants under chapter 86.26 RCW, the department of ecology shall give strong preference to local governments that have: (1) Implemented, or are in the process of implementing, an ordinance that establishes a flood plain policy that is substantially more stringent than minimum federal requirements; (2) completed a comprehensive flood control plan meeting the requirements of RCW

86.12.200; or (3) constructed, or are in the process of constructing, a system of overtopping dikes or levees that allow public access. [1995 2nd sp.s. c 18 § 918; 1995 c 376 § 11; 1993 sp.s. c 24 § 921; 1985 c 471 § 8.]

***Reviser's note:** This section was amended by 1995 c 376 § 11 and by 1995 2nd sp.s. c 18 § 918, each without reference to the other. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Severability--Effective date--1995 2nd sp.s. c 18: See notes following RCW 19.118.110.
Findings--1995 c 376: See note following RCW 70.116.060.

Severability--Effective dates--1993 sp.s. c 24: See notes following RCW 28A.165.070.

Severability--Effective date--1985 c 471: See notes following RCW 82.04.260.

RCW 43.155.060 Public works financing powers--Competitive bids on projects. In order to aid the financing of public works projects, the board may:

(1) Make low-interest or interest-free loans to local governments from the public works assistance account or other funds and accounts for the purpose of assisting local governments in financing public works projects. The board may require such terms and conditions and may charge such rates of interest on its loans as it deems necessary or convenient to carry out the purposes of this chapter. Money received from local governments in repayment of loans made under this section shall be paid into the public works assistance account for uses consistent with this chapter.

(2) Pledge money in the public works assistance account, or money to be received by the public works assistance account, to the repayment of all or a portion of the principal of or interest on obligations issued by local governments to finance public works projects. The board shall not pledge any amount greater than the sum of money in the public works assistance account plus money to be received from the payment of the debt service on loans made from that account, nor shall the board pledge the faith and credit or the taxing power of the state or any agency or subdivision thereof to the repayment of obligations issued by any local government.

(3) Create such subaccounts in the public works assistance account as the board deems necessary to carry out the purposes of this chapter.

(4) Provide a method for the allocation of loans and financing guarantees and the provision of technical assistance under this chapter.

All local public works projects aided in whole or in part under the provisions of this chapter shall be put out for competitive bids, except for emergency public works under RCW 43.155.065 for which the recipient jurisdiction shall comply with this requirement to the extent feasible and practicable. The competitive bids called for shall be administered in the same manner as all other public works projects put out for competitive bidding by the local governmental entity aided under this chapter. [1988 c 93 § 2; 1985 c 446 § 11.]

RCW 43.155.065 Emergency public works projects. The board may make low-interest or interest-free loans to local governments for emergency public works projects. Emergency public works projects shall include the construction, repair, reconstruction, replacement, rehabilitation, or improvement of a public water system that is in violation of health and safety standards and is being operated by a local government on a temporary basis. The loans may be used to help fund all or part of an emergency public works project less any reimbursement from any of the following sources: (1) Federal disaster or emergency funds, including funds from the federal emergency management agency; (2) state disaster or emergency funds; (3) insurance settlements; or (4) litigation. Emergency loans may be made only from those funds specifically appropriated from the public works assistance account for such purpose by the legislature. The amount appropriated from the public works assistance account for emergency loan purposes shall not exceed five percent of the total amount appropriated from this account in any biennium. [1990 c 133 § 7; 1988 c 93 § 1.]

Findings--Severability--1990 c 133: See notes following RCW 36.94.140.

RCW 43.155.068 Loans for preconstruction activities. (1) The board may make low-interest or interest-free loans to local governments for preconstruction activities on public works projects before the legislature approves the construction phase of the project. Preconstruction activities include design, engineering, bid-document preparation, environmental studies, right of way acquisition, and other preliminary phases of public works projects as determined by the board. The purpose of the loans authorized in this section is to accelerate the completion of public works projects by allowing preconstruction activities to be performed before the approval of the construction phase of the project by the legislature.

(2) Projects receiving loans for preconstruction activities under this section must be evaluated using the priority process and factors in RCW 43.155.070(2). The receipt of a loan for preconstruction activities does not ensure the receipt of a construction loan for the project under this chapter. Construction loans for projects receiving a loan for preconstruction activities under this section are subject to legislative approval under RCW 43.155.070 (4) and (5). The board shall adopt a single application process for local governments seeking both a loan for preconstruction activities under this section and a construction loan for the project.

(3) Preconstruction activity loans under this section may be made only from those funds specifically appropriated from the public works assistance account for such a purpose by the legislature. [1995 c 363 § 2.]

NOTES:

Finding--Purpose--1995 c 363: "The legislature finds that there continues to exist a great need for capital projects to plan, acquire, design, construct, and repair local government streets, roads, bridges, water systems, and storm and sanitary sewage systems. It is the purpose of this act to accelerate the construction of these projects under the public works assistance program." [1995 c 363 § 1.]

RCW 43.155.070 Eligibility, priority, limitations, and exceptions. (1) To qualify for loans or pledges under this chapter the board must determine that a local government meets all of the following conditions:

(a) The city or county must be imposing a tax under chapter 82.46 RCW at a rate of at least one-quarter of one percent;

(b) The local government must have developed a long-term plan for financing public works needs;

(c) The local government must be using all local revenue sources which are reasonably available for funding public works, taking into consideration local employment and economic factors; and

(d) A county, city, or town that is required or chooses to plan under RCW 36.70A.040 must have adopted a comprehensive plan in conformance with the requirements of chapter 36.70A RCW, after it is required that the comprehensive plan be adopted, and must have adopted development regulations in conformance with the requirements of chapter 36.70A RCW, after it is required that development regulations be adopted.

(2) The board shall develop a priority process for public works projects as provided in this section. The intent of the priority process is to maximize the value of public works projects accomplished with assistance under this chapter. The board shall attempt to assure a geographical balance in assigning priorities to projects. The board shall consider at least the following factors in assigning a priority to a project:

(a) Whether the local government receiving assistance has experienced severe fiscal distress resulting from natural disaster or emergency public works needs;

(b) Whether the project is critical in nature and would affect the health and safety of a great number of citizens;

(c) The cost of the project compared to the size of the local government and amount of loan money available;

(d) The number of communities served by or funding the project;

(e) Whether the project is located in an area of high unemployment, compared to the average state unemployment;

(f) Whether the project is the acquisition, expansion, improvement, or renovation by a local government of a public water system that is in violation of health and safety standards, including the cost of extending existing service to such a system;

(g) The relative benefit of the project to the community, considering the present level of economic activity in the community and the existing local capacity to increase local economic activity in communities that have low economic growth; and

(h) Other criteria that the board considers advisable. (3) Existing debt or financial obligations of local governments shall not be refinanced under this chapter. Each local government applicant shall provide documentation of attempts to secure additional local or other sources of funding for each public works project for which financial assistance is sought under this chapter.

(4) Before November 1 of each year, the board shall develop and submit to the appropriate fiscal committees of the senate and house of representatives a description of the loans made under RCW 43.155.065, 43.155.068, and subsection (7) of this section during the preceding fiscal year and a prioritized list of projects which are recommended for funding by the legislature, including one copy to the staff of each of the committees. The list shall include, but not be limited to, a description of each project and recommended financing, the terms and conditions of the loan or financial guarantee, the local government jurisdiction and unemployment rate, demonstration of the jurisdiction's critical need for the project and documentation of local funds being used to finance the public works project. The list shall also include measures of fiscal capacity for each jurisdiction recommended for financial assistance, compared to authorized limits and state averages, including local government sales taxes; real estate excise taxes; property taxes; and charges for or taxes on sewerage, water, garbage, and other utilities.

(5) The board shall not sign contracts or otherwise financially obligate funds from the public works assistance account before the legislature has appropriated funds for a specific list of public works projects. The legislature may remove projects from the list recommended by the board. The legislature shall not change the order of the priorities recommended for funding by the board.

(6) Subsection (5) of this section does not apply to loans made under RCW 43.155.065, 43.155.068, and subsection (7) of this section.

(7)(a) Loans made for the purpose of capital facilities plans shall be exempted from subsection (5) of this section. In no case shall the total amount of funds utilized for capital facilities plans and emergency loans exceed the limitation in RCW 43.155.065.

(b) For the purposes of this section "capital facilities plans" means those plans required by the growth management act, chapter 36.70A RCW, and plans required by the public works board for local governments not subject to the growth management act. [1995 c 363 § 3; 1993 c 39 § 1; 1991 sp.s. c 32 § 23; 1990 1st ex.s. c 17 § 82; 1990 c 133 § 6; 1988 c 93 § 3; 1987 c 505 § 40; 1985 c 446 § 12.]

(8) To qualify for loans or pledges for solid waste or recycling facilities under this chapter, a city or county must demonstrate that the solid waste or recycling facility is consistent with and necessary to implement the comprehensive solid waste management plan adopted by the city or county under chapter 70.95 RCW.

NOTES:

Finding--Purpose--1995 c 363: See note following RCW 43.155.068.

Effective date--1993 c 39: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993." [1993 c 39 § 2.]

Section headings not law--1991 sp.s. c 32: See RCW 36.70A.902.

Intent--1990 1st ex.s. c 17: See note following RCW 43.210.010.

Severability--Part, section headings not law--1990 1st ex.s. c 17: See RCW 36.70A.900 and 36.70A.901.

Findings--Severability--1990 c 133: See notes following RCW 36.94.140.

RCW 43.155.080 Records and audits. The board shall keep proper records of accounts and shall be subject to audit by the state auditor. [1987 c 505 § 41; 1985 c 446 § 13.]

RCW 43.155.090 Loan agreements. Loans from the public works assistance account under this chapter shall be made by loan agreement under chapter 39.69 RCW. [1987 c 19 § 6.]

43.160
Community Economic Revitalization Board
Rural Natural Resource Impact Area Program

Sections

43.160.020	Definitions
43.160.076	Grants and loans in distressed counties or natural resources impact areas.
43.160.200	Economic Development account - - Rural natural resources impact areas.

43.160.020 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) “Board” means the community economic revitalization board.
- (2) “Bond” means any bond, note, debenture, interim certificate, or other evidence of financial indebtedness issued by the board pursuant to this chapter.
- (3) “Department” means the department of community, trade , and economic development.
- (4) “Financial institution” means any bank, savings and loan association, credit union, development credit corporation, insurance company, investment company, trust company, savings institution, or other financial institution approved by the board and maintaining an office in the state.
- (5) “Industrial development facilities” means “industrial development facilities” as defined in RCW 39.84.020.
- (6) “Industrial development revenue bonds” means tax-exempt revenue bonds used to fund industrial development facilities.
- (7) “Local government” or “political subdivision” means any port district, county, city, town, or special utility district.
- (8) “Sponsor” means any of the following entities which customarily provide service or otherwise aid in industrial or other financing and are approved as a sponsor by the board: A bank, trust company, savings bank, investment bank, national banking association, savings and loan association, building and loan association, credit union, insurance company, or any other financial institution, governmental agency, or holding company of any entity specified in this subsection.
- (9) “Umbrella bonds” means industrial development revenue bonds from which the proceeds are loaned, transferred, or otherwise made available to two or more users under this chapter.
- (10) “User” means one or more persons acting as lessee, purchaser, mortgagor, or borrower under a financing document and receiving or applying to receive revenues from bonds issued under this chapter.
- (11) “Rural natural resources impact area” means:
 - (a) A nonmetropolitan county, as defined by the 1990 decennial census, that meets two of the five criteria set forth in subsection (12) of this section; or
 - (b) A nonurbanized area, as defined by the 1990 decennial census, that is located in a metropolitan county that meets two of the five criteria set forth in subsection (12) of this section.
- (12) For the purposes of designating rural natural resources impact areas, the following criteria shall be considered:
 - (a) A lumber and wood products employment location quotient at or above the state average;
 - (b) A commercial salmon fishing employment location quotient at or above the state average;
 - (c) Projected or actual direct lumber and wood products job losses of one hundred positions or more;
 - (d) Projected or actual direct commercial salmon fishing job losses of one hundred positions or more; and
 - (e) An unemployment rate twenty percent or more above the state average. The counties that meet these criteria shall be determined by the employment security department for the most recent year for which data is available. For the purposes of administration of programs under this chapter, the United States post office five-digit zip code delivery areas will be used to determine the residence status for eligibility purposes. For the purpose of this definition, a zip code delivery area that is located wholly or

partially in an urbanized area or within two miles of an urbanized area is considered urbanized. The office of financial management shall make available a zip code listing of the areas to all agencies and organizations providing services under this chapter. [1995 c 226 § 14. Prior: 1993 c 320 § 1; 1993 c 280 § 55; 1992 c 21 § 3; 1991 c 314 § 22; 1985 c 466 § 58; 1985 c 6 § 12; 1984 c 257 § 2; 1983 1st ex.s. c 60 § 1; 1982 1st ex.s. c 40 § 2.]

Severability--Conflict with federal requirements--Effective date--1995 c 226: See notes following RCW 43.31.601.

Effective date--Severability--1993 c 280: See RCW 43.330.902 and 43.330.903.

Findings--1991 c 314: See note following RCW 43.31.601.

Effective date--Severability--1985 c 466: See notes following RCW 43.31.085.

43.160.076 Grants and loans in distressed counties or natural resources impact areas.

Effective until June 30, 1997. (1) Except as authorized to the contrary under subsection (2) of this section, from all funds available to the board for loans and grants in a biennium, the board shall spend at least fifty percent for grants and loans for projects in distressed counties or rural natural resources impact areas. For purposes of this section, the term “distressed counties” includes any county, in which the average level of unemployment for the three years before the year in which an application for a loan or grant is filed, exceeds the average state employment for those years by twenty percent.

(2) If at any time during the last six months of a biennium the board finds that the actual and anticipated applications for qualified projects in distressed counties or rural natural resources impact areas are clearly insufficient to use up the fifty percent allocation, then the board shall estimate the amount of the insufficiency and during the remainder of the biennium may use that amount of the allocation for loans and grants for projects not located in distressed counties or rural natural resources impact areas. [1995 c 226 § 15; 1993 c 320 § 5; 1991 c 314 § 24; 1985 c 446 § 6.]

NOTES:

Repeal--1991 c 314 “RCW 43.160.076 and 1991 c 314 § 24 & 1985 c 446 § 6 are each repealed effective June 30, 1997.” [1995 c 226 § 7; 1993 c 320 § 10; 1991 c 314 § 32.]

Severability--conflict with federal requirements--Effective date--1995 c 226: See notes following RCW 43.31.601.

Findings--1991 c 314: See note following RCW 43.31.601.

43.160.200 Economic development account--Rural natural resources impact areas.

(Expires June 30, 1997.) (1) The economic development account is created within the public facilities construction loan revolving fund under RCW 43.160.080. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes of RCW 43.160.010(4) and this section. The account is subject to allotment procedures under chapter 43.88 RCW.

(2) Applications under this section for assistance from the economic development account are subject to all of the applicable criteria set forth under this chapter, as well as procedures and criteria established by the board, except as otherwise provided.

(3) Eligible applicants under this section are limited to political subdivisions of the state in rural natural resources impact areas that demonstrate, to the satisfaction of the board, the local economy’s dependence on the forest products and salmon fishing industries.

(4) Applicants must demonstrate that their request is part of an economic development plan consistent with applicable state planning requirements. Applicants must demonstrate that tourism projects have been approved by the local government. Industrial projects must be approved by the local government and the associate development organization.

(5) Publicly owned projects may be financed under this section upon proof by the applicant that the public project is a necessary component of, or constitutes in whole, a tourism project.

(6) Applications must demonstrate local match and participation. Such match may include: Land donation, other public or private funds or both, or other means of local commitment to the project.

(7) Board financing for feasibility studies shall not exceed twenty-five thousand dollars per study. Board funds for feasibility studies may be provided as a grant and require a dollar for dollar match with up to one-half in-kind match allowed.

(8) Board financing for tourism projects shall not exceed two hundred fifty thousand dollars. Other public facility projects under this section shall not exceed five hundred thousand dollars. Loans with flexible terms and conditions to meet the needs of the applicants shall be provided. Grants may also be authorized, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision.

(9) The board shall develop guidelines for allowable local match and feasibility studies.

(10) Applications under this section need not demonstrate evidence that specific private development or expansion is ready to occur or will occur if funds are provided.

(11) The board shall establish guidelines for making grants and loans under this section to ensure that the requirements of this chapter are complied with. The guidelines shall include:

(a) A process to equitably compare and evaluate applications from competing communities.

(b) Criteria to ensure that approved projects will have a high probability of success and are likely to provide long-term economic benefits to the community. The criteria shall include: (i) A minimum amount of local participation, determined by the board per application, to verify community support for the project; (ii) An analysis that establishes the project is feasible using standard economic principles; and (iii) An explanation from the applicant regarding how the project is consistent with the communities' economic strategy and goals.

(c) A method of evaluating the impact of the loans or grants on the economy of the community and whether the loans or grants achieved their purpose.

(12) Cities and counties otherwise eligible under and in compliance with this section are authorized to use the loans or grants for buildings and structures. [1995 c 226 § 16. Prior: 1993 c 320 § 7; 1993 c 316 § 4; 1991 c 314 § 23.]

NOTES:

Sunset Act application: See note following RCW 43.31.601.

Severability--Conflict with federal requirements--Effective date--1995 c 226: See notes following RCW 43.31.601.

Expiration date--1991 c 314: "RCW 43.160.200 expires June 30, 1997." [1995 c 226 § 8; 1993 c 316 § 7; 1991 c 314 § 33.]

Effective date--1993 c 316: See note following RCW 43.31.611.

Findings--1991 c 314: See note following RCW 43.31.601.

Chapter 43.160
Public Works Trust Fund
Rural Natural Resources Loan Program

43.160.212 Rural natural resources impact areas--Loans for public works facilities.

(1) For the period beginning July 1, 1991, and ending June 30, 1997, in rural natural resources impact areas the public works board may award low-interest or interest-free loans to local governments for construction of new or expanded public works facilities that stimulate economic growth or diversification.

(2) For the purposes of this section and section 27, chapter 314, Laws of 1991:

(a) "Public facilities" means bridge, road and street, domestic water, sanitary sewer, and storm sewer systems.

(b) "Rural natural resources impact area" means:

(i) A nonmetropolitan county, as defined by the 1990 decennial census, that meets two of the five criteria set forth in subsection (3) of this section; or

(ii) A nonurbanized area, as defined by the 1990 decennial census, that is located in a metropolitan county that meets two of the five criteria set forth in subsection (3) of this section.

(3) For the purposes of designating rural natural resources impact areas, the following criteria shall be considered:

(a) A lumber and wood products employment location quotient at or above the state average;

(b) A commercial salmon fishing employment location quotient at or above the state average;

(c) Projected or actual direct lumber and wood projects job losses of one hundred positions or more;

(d) Projected or actual direct commercial salmon fishing job losses of one hundred positions or more; and

(e) An unemployment rate twenty percent or more above the state average. The counties that meet these criteria shall be determined by the employment security department for the most recent year for which data is available. For the purposes of administration of programs under this chapter, the United States post office five-digit zip code delivery areas will be used to determine residence status for eligibility purposes. For the purpose of this definition, a zip code delivery area that is located wholly or partially in an urbanized area or within two miles of an urbanized area is considered urbanized. The office of financial management shall make available a zip code listing of the areas to all agencies and organizations providing services under this chapter.

(4) The loans may have a deferred payment of up to five years but shall be repaid within twenty years. The public works board may require other terms and conditions and may charge such rates of interest on its loans as it deems appropriate to carry out the purposes of this section. Repayments shall be made to the public works assistance account.

(5) The board may make such loans irrespective of the annual loan cycle and reporting required in RCW 43.155.070. [1995 c 226 § 6; 1993 c 316 § 5; 1992 c 21 § 8; 1991 c 314 § 26.]

NOTES:

Sunset Act application: See note following RCW 43.31.601.

Severability --Conflict with federal requirements--Effective date--1995 c 226: See notes following RCW 43.31.601.

CHAPTER 82.46

COUNTIES AND CITIES-EXCISE TAX ON REAL ESTATE SALES

RCW 82.46.010 Tax on sale of real property authorized-- Proceeds dedicated to local capital projects--Additional tax authorized--Maximum rates. (1) The legislative authority of any county or city shall identify in the adopted budget the capital projects funded in whole or in part from the proceeds of the tax authorized in this section, and shall indicate that such tax is intended to be in addition to other funds that may be reasonably available for such capital projects.

(2) The legislative authority of any county or any city may impose an excise tax on each sale of real property in the unincorporated areas of the county for the county tax and in the corporate limits of the city for the city tax at a rate not exceeding one-quarter of one percent of the selling price. The revenues from this tax shall be used by any city or county with a population of five thousand or less and any city or county that does not plan under RCW 36.70A.040 for any capital purpose identified in a capital improvements plan and local capital improvements, including those listed in RCW 35.43.040.

After April 30, 1992, revenues generated from the tax imposed under this subsection in counties over five thousand population and cities over five thousand population that are required or choose to plan under RCW 36.70A.040 shall be used solely for financing capital projects specified in a capital facilities plan element of a comprehensive plan and housing relocation assistance under RCW 59.18.440 and 59.18.450. However, revenues (a) pledged by such counties and cities to debt retirement prior to April 30, 1992, may continue to be used for that purpose until the original debt for which the revenues were pledged is retired, or (b) committed prior to April 30, 1992, by such counties or cities to a project may continue to be used for that purpose until the project is completed.

(3) In lieu of imposing the tax authorized in RCW 82.14.030(2), the legislative authority of any county or any city may impose an additional excise tax on each sale of real property in the unincorporated areas of the county for the county tax and in the corporate limits of the city for the city tax at a rate not exceeding one-half of one percent of the selling price.

(4) Taxes imposed under this section shall be collected from persons who are taxable by the state under chapter 82.45 RCW upon the occurrence of any taxable event within the unincorporated areas of the county or within the corporate limits of the city, as the case may be.

(5) Taxes imposed under this section shall comply with all applicable rules, regulations, laws, and court decisions regarding real estate excise taxes as imposed by the state under chapter 82.45 RCW.

(6) As used in this section, "city" means any city or town and "capital project" means those public works projects of a local government for planning, acquisition, construction, reconstruction, repair, replacement, rehabilitation, or improvement of streets; roads; highways; sidewalks; street and road lighting systems; traffic signals; bridges; domestic water systems; storm and sanitary sewer systems; parks; recreational facilities; law enforcement facilities; fire protection facilities; trails; libraries; administrative and/or judicial facilities; river and/or waterway flood control projects by those jurisdictions that, prior to June 11, 1992, have expended funds derived from the tax authorized by this section for such purposes; and, until December 31, 1995, housing projects for those jurisdictions that, prior to June 11, 1992, have expended or committed to expend funds derived from the tax authorized by this section or the tax authorized by RCW 82.46.035 for such purposes. [1994 c 272 § 1; 1992 c 221 § 1; 1990 1st ex.s. c 17 § 36; 1982 1st ex.s. c 49 § 11.]

NOTES: Legislative declaration--1994 c 272: "The legislature declares that, in section 13, chapter 49, Laws of 1982 1st ex. sess., effective July 1, 1982, its original intent in limiting the use of the proceeds of the tax authorized in RCW 82.46.010(2) to "local capital improvements" was to include in such expenditures the acquisition of real and personal property associated with such local capital improvements. Any such expenditures made by cities, towns, and counties on or after July 1, 1982, are hereby declared to be authorized and valid." [1994 c 272 § 2.]

Expenditures prior to June 11, 1992: "All expenditures of revenues collected under RCW 82.46.010 made prior to June 11, 1992, are deemed to be in compliance with RCW 82.46.010." [1992 c 221 § 4.]

Severability--Part, section headings not law-1990 1st ex.s. c 17: See RCW 36.70A.900 and 36.70A.901.

Intent--Construction--Effective date--Fire district funding-1982 1st ex.s. c 49: See notes following RCW 35.21.710.